

TITLE IX POLICY PROHIBITING SEX DISCRIMINATION

Adopted August 1, 2024

NOTE: This Policy applies ONLY to sex discrimination that is alleged to have occurred on or after August 1, 2024. For sex discrimination allegedly occurring prior to August 1, 2024, the College's Title IX Policy in effect prior to August 1, 2024 (available on the College's website) will continue to apply.

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A. INTRODUCTION

1. Statement Of Nondiscrimination

In compliance with applicable federal, state and local laws, Russell Sage College (“RSC” or “College”) does not discriminate on the basis of race, color, gender, gender characteristics and expression, sex, sexual orientation, age, religion, actual or perceived national origin, citizenship or immigration status, actual or perceived gender identity, familial status, pregnancy, marital status, military or veteran status, physical or mental disability, status as a victim of a sexual assault, relationship violence, and/or stalking, genetic predisposition and carrier status, previous convictions as specified by law, or any other characteristics protected by applicable law (the “Protected Characteristics”), in any aspect of its admissions or financial aid programs, educational programs and related activities, or with respect to employment and advancement in employment. RSC is committed to providing a work and learning environment that is free from discrimination and harassment by anyone based on an individual’s Protected Characteristics, or because the individual has engaged in activity protected by federal or state laws prohibiting discrimination.

The protections in this Title IX Policy Prohibiting Sex Discrimination (the “policy”) apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

2. Title IX of the Education Amendments of 1972

The College does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities on the basis of sex. As a recipient of federal financial assistance for education activities, the College is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, gender identity, gender expression, sexual orientation, and pregnancy or related conditions.

RSC has obligations under Title IX to provide certain support and modifications to people experiencing pregnancy or related conditions in order to ensure their equal access to RSC’s program or activity. For example, RSC must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students should contact the Office of Accessibility Services, accessibility_services@sage.edu, for more information. Employees or applicants should contact Human Resources, hr@sage.edu, for more information, because additional workplace laws and policies apply. The Title IX

Coordinator is also available for any questions or concerns related to equal access to RSC's programs and/or activities, titleix@sage.edu.

Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

The College also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process, whether internal or external to the institution. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by RSC policy.

3. Application of Section 504/Americans with Disabilities Act to this Policy

In both practice and policy, RSC adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability. The College is committed to providing individuals with disabilities equal access and opportunity, and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of RSC life.

Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point relating to the implementation of this policy, including making a disclosure or report, and initiating a resolution procedure. Accommodations will be granted if they are appropriate and do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other RSC programs and activities. With the consent of the impacted student or employee, the Title IX Coordinator will work collaboratively with the Director of Accessibility Services and/or Director of Human Resources.

Students with questions or concerns regarding reasonable accommodation of individuals with disabilities should be directed to:

Cait York,
RSC Section 504 Compliance Officer,
Director of Accessibility Services,
Third Floor of the Albany Library and Hart Hall,
RSC 518-292-8624, 518-244-2208.

Employees with questions or concerns regarding reasonable accommodation of individuals with disabilities should contact:

Brian Evers,
Director of Human Resources,

65 First Street,
Troy, Cowee Hall 2nd Floor
eversb@sage.edu,
518-244-6857

4. Purpose of this Policy

This policy identifies and defines conduct prohibited under this policy and the process that will be used to respond to allegations of Prohibited Conduct.

The College will act on all notices of allegations of sex discrimination or retaliation. It will take necessary measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effect on individuals and the community. Within any process related to this policy, the College provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, when that accommodation is consistent with New York State and federal law.

Situations involving other conduct that may be in violation of other RSC student or employee conduct policies should be reported to the Office of Student Accountability at studentaccountability@sage.edu for matters involving students, or the Office of Human Resources at hr@sage.edu, or the Office of the Provost for matters involving faculty or staff. Situations involving other conduct relating to nonaffiliates should be reported to the Office of Public Safety.

5. Who is Covered by This Policy

This policy applies to the entire RSC community, including, but not limited to, students, student organizations, faculty, administrators, and staff, whether on or off campus, and third parties such as guests, visitors, volunteers, invitees, and alumni when they are on campus or participating in RSC-sponsored activities.

This policy may also pertain to instances in which the conduct occurred in a building owned or controlled by a student organization that is officially recognized by RSC, outside of the campus or RSC-sponsored activity if the College determines that the off-campus conduct affects a substantial RSC interest, including access to the educational program or activity, safety and security, compliance with applicable law, and meeting its educational mission, and the conduct is subject to RSC's disciplinary authority under RSC's Student Code of Accountability. The conduct must be alleged to have occurred in the United States, except for cases of sexual assault, domestic violence, dating violence and stalking, in which case, if such occurred off campus or during study abroad, will be subject to this Grievance Procedure. Generally, conduct occurring in a study abroad program is not governed by the Title IX regulations. However, if a student returns to the United States and conduct that occurred in a study abroad program contributes to a hostile environment in the United States, that conduct may be relevant and considered by the recipient so that it can address the sex discrimination occurring within its program in the United States. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational

or employment opportunities and/or benefits of any member of the College community on the basis of sex is in violation of this policy. This procedure will apply if the conduct alleged, if true, would constitute Sex-Based Harassment as defined in this policy.

Members of the College community are expected to provide truthful information in any report, meeting, or proceeding under this policy.

Any respondent who is not a RSC student, faculty member, or staff member is generally considered a third party. RSC's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, to the College. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office.

The status of a party may impact which resources and remedies are available to them, as described in this policy.

6. What is Prohibited by This Policy

This policy prohibits sex discrimination, including sex-based harassment, and retaliation as defined below that occur on or after August 1, 2024. Any incidents reported under the Grievance Procedure that occurred on or before July 31, 2024, will be processed through the College's Title IX Policy in effect prior to July 31, 2024, which is available on the College's website.

These acts shall also be referred to as Prohibited Conduct under this policy:

a. Discrimination on the Basis of Sex:

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

b. Sex-Based Harassment:

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that is:

- i. **Quid pro quo harassment:** An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- ii. **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or

denies a person's ability to participate in or benefit from the College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the College's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in the College's education program or activity.
- iii. Sexual assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specifically, this includes:
- (1) 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.
 - (2) Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - (3) Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - (4) Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.
- iv. Relationship Violence: under RSC's policies, the term "relationship violence" includes relationship violence, domestic violence, and dating violence as defined under federal and/or state law.

Generally, Relationship Violence is a pattern of coercive behaviors that serve to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological,

verbal and/or emotional in nature. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married. Relationship Violence includes both domestic violence and dating violence.

Under federal law:

Domestic violence is defined as felony or misdemeanor crimes of 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 New York family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under New York domestic or family violence laws.

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Under New York law, domestic violence is generally defined as a pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. There is no specific crime of "domestic violence" under New York State law. Domestic violence is handled through the criminal courts and the Family Court as a "family offense." A family offense is defined as certain acts/crimes delineated in the Penal Law (such as harassment, menacing, assault, and stalking) committed by a family member (individuals who are married, related by blood, or who have a child in common). Victims who meet this definition may go to criminal court to seek an order of protection and have the abuser prosecuted, or they may go to Family Court for an order of protection, services, and assistance with custody and child support. Individuals victimized by an intimate partner who does not meet the definition of family member, such as a boyfriend or same-sex partner, can only go to criminal court for legal assistance. In addition, mandatory arrest, which applies when an abuser violates an

order of protection or commits certain other offenses, is only applicable when a case involves individuals who meet the family definition. According to the NYS Office for the Prevention of Domestic Violence, however, many police departments in New York State use an expanded definition of family when making mandatory arrest determinations. This provides greater protection to victims who fall outside of the family definition, although these victims still do not have access to Family Court.

- v. Stalking: Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.
- "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
 - "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; and
 - "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Generally, stalking is a pattern of behavior that can include, but is not limited to the following:

- Repeatedly leaving or sending victim unwanted items, presents, flowers
- Harassing the victim through the internet, including social networking websites
- Repeated, unwanted and intrusive phone calls, e-mails or text messages; especially after being clearly informed to stop
- Damaging or threatening to damage the victim's property
- Following, monitoring, surveillance of victim and/or victim's family, friends, co-workers
- Abusing or killing a pet or other animal
- Crossing jurisdictions/borders to stalk/commit offenses

Under New York law, a person engages in stalking when they intentionally, and for no legitimate purpose, engage in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
- causes material harm to the mental or emotional health of such person, where such conduct consists of following (including unauthorized tracking of someone's movements or location through a GPS or other device), telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
- is likely to cause such a person to reasonably fear that their employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

More detailed definitions can be found in New York State Penal Law §§ 120.45 to 120.60.

c. Retaliation:

Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this Policy.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation and to any student who refuses to participate in an investigation or proceeding.

Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

7. Delegation of Duties Under This Policy

Obligations in this policy assigned to a particular title, such as the Title IX Coordinator, may be designated as appropriate by the College, including to external professionals.

8. Students' Bill of Rights

All RSC students have the right to:

- Make a report (or decline to report) to local law enforcement and/or state police;
- Have disclosures of Sexual Assault, Domestic Violence, Dating Violence, and Stalking and all other forms of Prohibited Conduct treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the complaint resolution process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the Complainant/Reporting Individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few representatives of the College as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the College, any student, the Accused, the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
- Access to at least one level of appeal of a determination;
- Be accompanied by an Advisor of choice who may assist and advise a Complainant or a Respondent during any meetings and hearings under the Policy and procedures; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or complaint resolution process of the College.

9. Title IX Coordinator of the Office of Title IX

RSC is committed to promoting a diverse, equitable, and inclusive working and learning environment free from sex discrimination. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating

the College's investigation, response, and resolution of all reports of Prohibited Conduct under this policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any Student, Employee, or other individual to discuss this policy or the accompanying procedures and can be contacted at:

Amanda Bastiani
Title IX Coordinator/EEO Specialist
518-244-4809
bastia@sage.edu / titleix@sage.edu

Brian Evers
Director of Human Resources/Deputy Title IX Coordinator
518-244-6857
eversb@sage.edu / hr@sage.edu

Information regarding the specific training provided to College employees and students can be found in Appendix A, attached.

10. Conflicts of Interest or Bias

Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the President and Director of Human Resources who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator, Decisionmaker, or Appeals Officer have a conflict of interest, the investigator, Decisionmaker, or Appeals Officer is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This policy will note where parties have the opportunity to challenge the participation of any individual implementing this policy based on actual conflict of interest or demonstrated bias.

The decisionmaker may be the same person as the Title IX Coordinator or investigator as allowed by the 2024 Title IX Regulations; no inference of bias or conflict of interest can be drawn solely because the decisionmaker is the same person as the Title IX Coordinator or investigator in a case.

11. Crime and Incident Disclosure Obligations

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the College report the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, that occur in particular campus-related locations. The Clery Act also requires the College to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, the College will ensure that a complainant's name and other identifying information is not disclosed. The Title IX Coordinator will refer information to Public Safety when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

For more information regarding RSC's campus crime statistics, available in the Annual Security & Fire Safety reports for the Troy and Albany campuses, please visit the following: <https://www.sage.edu/about/offices-centers/public-safety/>.

B. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

1. Employee Reporting Obligations

RSC believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of sex discrimination. All employees, with limited exceptions as identified by RSC, are required to promptly provide to the Title IX Coordinator all complaints or reports of sex discrimination, including sex-based harassment, that involve members of the RSC community to the Title IX Coordinator and share all information reported or made available to the employee. Please visit the following for more information: <https://www.sage.edu/student-life/cultural-enrichment-diversity/title-ix/faculty-staff-resources-sexual-assault-prevention-response/>.

Non-confidential employees who fail to report and/or delay in reporting sex discrimination may be subject to discipline.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with [FERPA](#).

RSC also encourages employees who themselves experience sex discrimination to bring their concerns to the Title IX Coordinator and/or the Director of Human Resources/Deputy Title IX Coordinator, though they are not required to do so.

Researchers conducting an IRB-approved human subjects research study designed to gather information about sex discrimination are not required to report to the Title IX Coordinator disclosures made in the course of that study to the Title IX Coordinator.

In addition, certain employees of RSC are considered by law to be mandatory reporters of child abuse, or abuse of persons with disabilities. These RSC employees are required by law to report incidents of child abuse to the New York State Central Register of Child Abuse and Maltreatment (SCR), and incidents of abuse of persons with

disabilities to the Vulnerable Persons' Central Register (VPCR). A fuller description of the mandatory child abuse reporting obligation and those covered by that obligation can be found at: Article 6 of New York's Social Services Law, and <https://ocfs.ny.gov/publications/Pub1159/OCFS-Pub1159.pdf>. A fuller description of the mandatory reporting requirements for suspected abuse of persons with disabilities can be found in Article 9 of New York's Social Services Law, and https://www.justicecenter.ny.gov/system/files/documents/2019/11/reporting-requirements-for-human-services-professionals_v2_0.pdf.

The College is also required to report certain information related to sexual assaults to state and federal agencies. More details regarding these reporting requirements can be found in Appendix A.

2. Public Awareness Events

As part of RSC's public awareness campaign, RSC may from time to time schedule primary prevention, public awareness, and advocacy programs for students and employees, which include the following but are not limited to:

- Self Defense and Personal Safety Training
- Title IX training - including training on roles as mandated reporters
- Mentors in Violence Prevention Training
- Training on how to appropriately respond to victims of sexual assault, dating violence, domestic violence, and stalking
- Active Bystander training
- Healthy Relationship trainings
- Take Back the Night
- One Love Workshops

Information regarding these programs can be found on RSC's website, at <http://www.sage.edu/titleix/>.

Employees are required to report to the Title IX Coordinator information about sex discrimination they learn about at public awareness events. The Title IX Coordinator is not obligated to respond directly to any identified complainant in a report of sex-based harassment disclosed at a public awareness event that takes place on-campus or in a school-sponsored online platform unless there is an imminent and serious threat to someone's health or safety, and as such, no outreach to an identified complainant by the Title IX coordinator is required. The Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases, the College

must use the information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

3. How to Make a Report to the College

All complaints of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a complaint with the College and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, RSC will give consideration to the party bringing forward a report with respect to how the matter is pursued. The College may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that the College not initiate an investigation.

Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the Coordinator or another member of the Title IX Office as follows:

Amanda Bastiani,
Title IX Coordinator/EEO Specialist,
518-244-4809,
bastia@sage.edu/titleix@sage.edu

There is no timeline for making a report of sex discrimination, however, RSC encourages the prompt reporting of a complaint as the ability of the College to pursue the complaint to conclusion may be hindered by the passage of time.

Additional information about reporting matters involving conduct by an employee may be found by contacting Human Resources:

Brian Evers,
Director of Human Resources/Deputy Title IX Coordinator,
518-644-6857,
eversb@sage.edu/hr@sage.edu

4. Policy for Alcohol and/or Drug Use Amnesty

A student making a report to the Title IX Coordinator may be eligible for Amnesty for drug or alcohol related violations of the Student Code of Accountability that occurred on or around the same time as the incident or that was in connection with the incident.

The health and safety of every student at the College is of the utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at a 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. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to RSC officials. A bystander or complainant acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to RSC officials or law enforcement will not be subject to discipline 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. This policy does not provide amnesty for drug dealers or those who use drugs or alcohol as a weapon or to facilitate Prohibited Conduct. Under this Amnesty provision, personal drug use and possession, whether it is intentional or accidental, will not form the basis of student disciplinary charges. A bystander is someone who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

5. Privacy and Confidentiality

The College values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

References made to privacy mean RSC offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The College will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While RSC will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, RSC cannot, and does not, guarantee that all information related to complaints will be kept confidential.

In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy. Parties may request to review a hard copy of materials, and the College will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this policy.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, clergy) may not report to Title IX Coordinator any identifying information about conduct that may violate RSC's policies against sex discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this policy.

The College employs one type of employees who are not required to report information about sex discrimination to the Title IX Coordinator:

- Confidential employees whose communications are confidential under Federal or State law. The employee must be hired for and functioning within the scope of their duties to which the confidentiality applies. For example, physicians, clergy, and mental health counselors are all confidential employees. Disclosures made to these employees means that information cannot be disclosed to anyone internal or external to the College without the expressed permission from the individual disclosing the information.

The following RSC Officials may provide confidentiality:

- Wellness Centers: Troy 518-244-2261, troywellnesscenter@sage.edu; Albany 518-292-1917, albanywellnesscenter@sage.edu
- Spiritual Center: Darren Gundrum, Protestant Chaplain & Spiritual Advisor, gundrd@sage.edu

State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or others; (ii) if there is reasonable cause to suspect that a minor has been sexually abused. These reports must be made to applicable county mental health officials or director of community services, pursuant to New York Mental Hygiene Law § 9.46.

Even RSC offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

A list of additional resources may be found in Appendix A.

Additional reporting information for victims of Sexual Assault, Relationship Violence, or Stalking can be found in Appendix A.

6. Protective Orders

The institution's Public Safety, if applicable, or other officials will assist members of the campus community in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order from any state or federally-recognized tribal court. If RSC receives an order of protection of equivalent, an institution representative

or other appropriate person will reach out and provide a copy of the order. Upon request they can also provide an explanation of the order, including the consequences for violating these orders, and answer questions about it. Public Safety will provide assistance in effecting an arrest when an individual violates an order of protection. Additional information regarding protective orders can be found in Appendix A.

7. Reporting to the Police

Some Prohibited Conduct may constitute a violation of both the law and RSC policy. RSC encourages students to report alleged crimes promptly to local law enforcement agencies and/or state police. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of RSC policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Conduct may constitute Prohibited Conduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to RSC as well as to law enforcement, RSC may delay its process if a law enforcement agency requests that RSC delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. These temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

All investigations and determinations under this policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred, and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of RSC community or the safety of RSC as an institution is threatened, any individual with such knowledge should promptly inform Public Safety RSC may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of the College community and RSC as an institution.

Additional information regarding reports to the police can be found in Appendix A.

8. Emergency Access to Information & Resources

At any time, one of the following resources trained in interviewing victims of sexual assault will be available to provide information about options to proceed, and, where

applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. These individuals will also explain whether they are authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options:

Title IX Coordinator/EEO Specialist,
Amanda Bastiani,
518-244-4809,
bastia@sage.edu/titleix@sage.edu,
(Albany) Kahl Campus Center, room 202;
(Troy) Administration building (Plum), 2nd floor

The Title IX Coordinator will generally be available for emergency access on weekdays during normal business hours. When the Title IX Coordinator is not available, emergency access to a Designee will be available, at the following: Public Safety, (518) 244-3177.

Other resources, including 24 hour resources, which can include internal and external resources, can be found in Appendix A.

C. RESPONDING TO A REPORT

The following process will be used following the receipt of a report of sex discrimination.

1. Initial Contact

Following receipt of a report alleging a potential violation of this policy, the Title IX Coordinator will contact the complainant to meet with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:

- An invitation to meet to offer assistance and explain their rights, resources, and options under this policy;
- Access to this policy;
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided;
- The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution is initiated;
- The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes;

- The right to notify law enforcement as well as the right not to notify law enforcement;
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Public Safety or local law enforcement in preserving evidence;
- The right to an advisor of choice, if applicable, during RSC proceedings under this policy including the initial meeting with the Title IX Coordinator;
- A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited.
- Information on how to initiate the Investigation or Resolution-Based Agreement process.
- Ensure that the Complainant receives a written explanation of all available resources and options and is offered the opportunity to meet and discuss the resources and options, including information about STI's, forensic exams, and resources available through NYS Office of Victim Services.

2. Initial Intake & Assessment

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the resolution procedures apply based on the conduct and the status of the parties. The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate to the complainant this determination.

If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will provide the complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

3. Supportive Measures

The College will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to the College's program or activity or provide support during the College's alternative resolution process or resolution

procedures. The parties the right to request supportive measures from RSC regardless of whether they desire to make a complaint or seek alternative resolution.

Supportive Measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- Provide support during the College's resolution procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to respondents when they are notified of the allegations.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of the institution to provide the Supportive Measures.

A party may challenge the College's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. The Title IX Coordinator may also terminate supportive measures at the conclusion of grievance procedures or the informal resolution process. Violation of the parameters of supportive measures may violate existing codes or handbooks.

RSC provides for Complainant or Respondent to seek modification or reversal of RSC's decision to provide, deny, modify or terminate a supportive measure. Grounds for challenge of supportive measures include, but are not limited to:

- Whether a supportive measure is reasonably burdensome;

- Whether a supportive measure is reasonably available;
- Whether a supportive measure is being imposed for punitive or disciplinary reasons;
- Whether the supportive measure is being imposed without fee or charge; and
- Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

This review will be conducted by an impartial employee of RSC who did not make the challenged decision on the original supportive measure request. The impartial employee of RSC who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one party will not be heard to supportive measures afforded to the opposite party, unless that supportive measure directly impacts the party making such challenge (i.e., two-way no contact orders).

4. Requests for Confidentiality or No Further Action

When a complainant withdraws any or all of the allegations in a complaint, requests that RSC not use their name as part of any resolution process, or that RSC not take any further action, RSC will generally try to honor those requests. However, there are certain instances in which RSC has a broader obligation to the community and may need to act against the wishes of the complainant if the conduct alleged presents an imminent and serious threat to the health or safety of complainant or other person, or where the conduct as alleged prevents the recipient from ensuring equal access based on sex to its education program or activity. In such circumstances, the Title IX Coordinator will notify the complainant in writing of the need to take action. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a complainant include:

- a. The complainant's request not to proceed with initiation of a complaint;
- b. The complainant's reasonable safety concerns regarding initiation of a complaint;
- c. The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
- d. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a respondent

from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

- e. The age and relationship of the parties, including whether the respondent is an employee of the College, or whether the impacted person is a minor;
- f. The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- g. The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred;
- h. Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its resolution procedures under this policy;
- i. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity;
- j. Whether the accused has a history of violent behavior or is a repeat offender;
- k. Whether the incidents represents an escalation on the part of the person accused;
- l. Whether the accused used a weapon or force; and/or
- m. Whether available information reveals a pattern of perpetration at a given location by a particular group.

5. Emergency Removal

For sex discrimination and sex-based harassment, RSC retains the authority to remove a respondent from RSC's program or activity on an emergency basis, where RSC (1) undertakes an individualized safety and risk analysis, (2) determines that an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal, and (3) the College provides the respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. RSC will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

For all other Prohibited Conduct, RSC may defer to its interim suspension policies for students and administrative leave for employees.

6. Administrative Leave

The College retains the authority to place an employee respondent on administrative leave during a pending complaint process under this policy, the employee handbook, applicable collective bargaining agreement, and code of accountability. Administrative leave may be a supportive measure, emergency removal, or consistent with collective bargaining agreement. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

Note on student employees: when a Complainant or Respondent is both a student and an employee of RSC, RSC must make a fact-specific inquiry to determine whether this procedure applies to that student employee. RSC will consider if the Complainant or Respondent's primary relationship with RSC is to receive an education and whether the alleged Sex-Based Harassment occurred while the party was performing employment-related work.

7. Dismissal of a Complaint

Before dismissing a complaint, RSC will make reasonable efforts to clarify the allegations with the complainant.

RSC may dismiss a complaint if:

- RSC is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in RSC's education program or activity and is not employed by RSC;
- The complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint.
- The complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the College determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy; or
- RSC determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.

Upon dismissal, RSC will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then RSC will notify the parties simultaneously in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

RSC will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then RSC will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, RSC will follow the procedures outlined in the Appeals section of these procedures.

When a complaint is dismissed, RSC will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and,
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within RSC's education program or activity.

A complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

8. Referrals for Other Misconduct

RSC has the discretion to refer complaints of misconduct not covered by this policy for handling under any other applicable RSC policy or code. As part of any such referral for further handling, RSC may use evidence already gathered through any process covered by this policy.

Should there be a conflict between the provision of this policy and other RSC policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.

This policy and these procedures are separate from RSC's student disciplinary processes, by which RSC may bring a discipline charge against a student for violating RSC policy according to the provisions found in RSC code of accountability: <https://www.sage.edu/student-life/office/code-of-accountability/>.

9. Consolidation of Cases

RSC may consolidate complaints under this policy as appropriate: for example, if there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties.

RSC also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Life/Student Accountability and Human Resources. Allegations of a violation of a

separate policy are not required to be handled using the procedural requirements set forth in this policy.

10. Student Withdrawal or Employee Resignation while Matters are Pending

If a student or employee respondent permanently withdraws or resigns from RSC with unresolved allegations pending, the College will consider whether and how to proceed with the resolution process. The College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct

A student respondent who withdraws or leaves while the process is pending may not return to RSC without first resolving any pending matters. Such exclusion applies to all RSC campuses and programs. Admissions will be notified that the student cannot be readmitted. They may also be barred from RSC property or events. If a student respondent withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to RSC unless and until the matter is fully resolved.

An employee respondent who resigns with unresolved allegations pending is not eligible for rehire with RSC and the records retained by the Title IX Coordinator will reflect that status. All RSC responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

11. Coordination Among Multiple Institutions

When such conduct involves students or employees from two or more institutions, such institutions may work collaboratively to address the conduct provided that such collaboration complies with the Family Educational Rights and Privacy Act.

12. Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute Prohibited Conduct under this Policy and conduct that would not constitute Prohibited Conduct under this Policy, the Title IX Grievance Process will be applied to investigation and adjudication of only the allegations that constitute Prohibited Conduct under this Policy.

If allegations are initially investigated under this Policy, but are determined not to meet the standard for Prohibited Conduct under this Policy, the College may continue to investigate the allegations under the Discrimination and Harassment Policy, the Student Accountability Code, the Employee Handbook, and/or any other applicable College policy or procedure.

D. OPTIONS FOR RESOLUTION

There are multiple ways to resolve a complaint or report of sex discrimination. Whenever possible, the College will utilize the resolution method chosen by the

complainant. During the resolution of a complaint, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (complainants and respondents) and community members in maintaining access to and participation in RSC programs, services and activities during the resolution of the complaint.

This section includes information on support-based Resolution, agreement-based resolution, and investigation and decision making procedures.

1. Support- Based Resolution

A support-based resolution is an option for a complainant who does not wish RSC to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to RSC and the Title IX Coordinator determines there is need for additional steps to be taken, or the complainant later decides to pursue a Resolution Agreement or investigation and decision making.

2. Agreement-Based Resolution

Agreement-Based Resolution is an alternative to the investigation and decision making procedures where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If the College offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the education program or activity. Parties and the Title IX Coordinator may agree to pause or exit the investigation and decision making resolution procedures to explore Agreement-Based Resolution.

Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process, and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a respondent violated this policy.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an investigation and decision making process.

a. Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Agreement-Based Resolution process;
- Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether RSC could disclose such information for use in a future RSC resolution process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate.
- Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal.
- Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
- A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred.
- A statement that the respondent is presumed not responsible for violating this policy, unless respondent admits to violations of this policy;
- An explanation that all parties may be accompanied by an advisor of their choice, who may be a parent, colleague, friend, or attorney;
- A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume resolution procedures at any time before agreeing to a resolution;
- The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice;
- Information regarding Supportive Measures, which are available equally to the parties; and
- The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

b. Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator or designee will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision making process. The Title IX Coordinator will inform the parties of such a decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The investigator or Decisionmaker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- an agreement that the respondent will change classes or housing assignments;
- an agreement that the Parties will not communicate or otherwise engage with one another;
- an agreement that the Parties will not contact one another;
- completion of a training or educational project by the respondent;
- completion of a community service project by the respondent;
- an agreement to engage in a restorative justice process or facilitated dialogue; and/or
- discipline agreed upon by all parties.

In order to facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

c. Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

3. Investigation & Decision Making Resolution

This policy includes two types of investigation and decision making procedures.

- All prohibited conduct matters except for sex-based harassment involving a student as a party,
- Sex-based harassment involving a student as a party.

The following information applies to both types of the investigation and decision making procedures.

a. Acceptance of Responsibility

If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Coordinator or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any.

b. Assignment of the Investigator and/or Decision Maker

The College will assign a trained investigator and/or Decisionmaker to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. RSC reserves the right to utilize internal or external investigators and Decision Makers.

All parties have the option to participate in the investigation, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the investigator prior to the investigator providing the final report to the Decision Maker.

The investigator will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

c. Conflict of Interest or Bias

After a Notice of Allegations is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated investigator on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Allegations to object to the selection of the investigator or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to the President and/or Director of Human Resources. Objections to the appointment of the investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

d. Timeline

RSC strives to complete the investigation process within ninety (90) days from the date of the Notice of Allegations.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

RSC shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The investigator and/or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

e. Burden and Standard of Review

RSC has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from RSC and does not indicate responsibility. The standard of proof used in any investigation and decision making process is the preponderance of the evidence standard, which means more likely than not.

f. Written Notice of Meetings

RSC will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

g. Evidence Gathering

Interviews

The investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an investigator, the investigator will ask questions related to the allegations in the complaint and a party is given the opportunity to speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by RSC to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- Evidence provided to an employee designated by RSC as exempt from internal reporting under this policy, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless RSC obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

- Under New York state law, in matters of sexual assault, domestic violence, dating violence, and stalking, all parties have the right to exclude their own prior sexual history with persons other than the other party in the investigation and decisionmaking process or their own mental health diagnosis and/or treatment from admittance in the institution disciplinary stage that determines responsibility. The limit does not cover evidence of prior sexual history with the other party in the investigation that is relevant to an allegation or defense of an allegation.

4. Investigation & Decision Making Procedures for All Prohibited Conduct Except Sex-Based Harassment Involving a Student Party

This procedure is for all matters of Prohibited Conduct being investigated and determined under this policy except for sex-based harassment involving a student as a party.

The College will assign a trained investigator and Decisionmaker to conduct an adequate, reliable, and impartial investigation and determination in a reasonably prompt timeframe. RSC reserves the right to utilize internal or external investigators and decision makers.

All parties have the option to participate in the investigation, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the investigator prior to the investigator's making any findings.

a. Notice of Allegations

Prior to the start of an investigation, the Parties will be provided a written Notice of Allegations communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Allegations shall be provided to all parties.

The Notice shall include, at a minimum:

- The College's resolution procedures, including the applicable determination procedure, and any alternative resolution process, with a link to the full procedures;
- The specific allegations, including the identity of the parties, and dates and location if known;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);

- A statement that Retaliation is prohibited;
- Contact information for the assigned investigator and Decisionmaker, as well as the process for raising a challenge to the appointed investigator, Decisionmaker, or Title IX Coordinator, and the deadline for doing so.
- Expected length of the major stages of the resolution process, as well as any applicable deadlines.
- Whether the Investigator, or another individual, shall serve as the Decisionmaker.
- A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the investigation and decisionmaking procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- The parties may have an advisor of their choice who may be anyone, including but not limited to: a friend, colleague, therapist, or attorney. The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, and to provide a response;
- A statement that the College prohibits knowingly making false statements or knowingly submitting false information during resolution procedures, with a link to the relevant policy(ies).
- The date and time of the initial interview with the investigator, with a minimum of five (5) days' notice.

b. Individual Interviews

The investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility. Only the investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of those proceedings, and may be subject to further RSC discipline for failure to do so.

RSC may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the College's discretion, with all participants joining virtually through a video conferencing option.

The College will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. The College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable RSC rules.

c. Evidence Review

At the conclusion of all fact-gathering, the investigator will provide each party and their advisor, if any, the opportunity to review all relevant and not otherwise impermissible evidence gathered.

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 and to submit any additional relevant evidence, questions for parties or witnesses, or the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence, or names of witnesses. Given the sensitive nature of the information provided, RSC will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 5 days to inspect and review the evidence and submit a written response in writing to the investigator. RSC will provide access to copies of the parties' written responses to the investigator to all parties and their advisors, if any. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence. At the conclusion of the evidence review, when deemed appropriate by the investigator, the investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence is gathered during this second fact-gathering period, the new evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The investigator will consider the parties' written responses before finalizing the investigation report.

The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence and will be reviewed only after a determination of responsibility is reached.

d. Investigation Report

The investigator, who may also serve as the Decisionmaker, shall evaluate the relevant and not impermissible evidence and make a factual determinations regarding each allegation, and also determine whether a violation of the policy occurred. The investigator may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not impermissible, or declined to participate. The investigator will not draw an inference about whether Prohibited Conduct occurred based solely on a party's or witness's refusal to respond to questions.

The investigator shall prepare a report which shall include:

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, and methods used to gather other evidence;
- An evaluation of the relevant and not otherwise impermissible evidence and the rationale for that evaluation;
- Findings of fact for each allegation, with rationale;
- Conclusions regarding which section of this policy or other RSC policy, if any, the respondent has or has not violated, with rationale.

This report shall be provided to the Title IX Coordinator. In the event that the Decisionmaker has determined that a violation of RSC policy has occurred, the Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the complainant and any impacted parties. Past findings of responsibility relating to this policy or any other RSC policy are admissible in the sanctioning stage only.

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:

- A statement of, and rationale for, any disciplinary sanctions the College imposed on the respondent

- A statement as to whether remedies will be provided to the Complainant
- For the complainant, a description of any remedies that apply to the complainant
- The College's procedures and the permitted reasons for the parties to appeal, including identifying the Appeals Officer.
- How to challenge participation by the Appeals Officer for bias or conflict of interest, which the Title IX Coordinator will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that RSC provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

5. Investigation & Decisionmaking Procedures in Cases of Sex-Based Harassment Involving a Student

The following describes the next steps in investigation and decision making for matters of sex-based harassment in which a student is either a complainant or respondent, regardless of the status of the other party. The investigator may serve as the Decisionmaker.

An investigation process consists of five stages: written Notice of Allegations; evidence gathering; evidence review; final written determination; option to appeal.

a. Notice of Allegations

Prior to the start of an investigation, the Parties will be provided a written Notice of Allegations communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Allegations shall be provided to all parties.

The Notice shall include, at a minimum:

- RSC's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies;
- Information about the agreement-based resolution process, with a link to the full procedures.
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the specific type of Prohibited Conduct alleged under the policy, and the date(s), time(s), and location(s) of the alleged incident(s);

- A list of possible sanctions.
- A statement that retaliation is prohibited;
- Whether the investigator, or another individual, shall serve as the Decisionmaker.
- Expected length of the major stages of the resolution process, as well as any applicable deadlines.
- The Notice will inform the parties that the investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s).
- The process for raising a challenge to the appointed investigator, Decisionmaker or Title IX Coordinator, and the deadline for doing so.
- A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence. [If RSC provides access to an investigation report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party]; and
- Section IX(1)(b) of RSC's Code of Accountability prohibits knowingly making false statements or knowingly submitting false information during the resolution procedures.
- The Decisionmaker will be identified. If the College assigns a different Decisionmaker, an updated notice will be provided to the parties.
- The date and time of the initial interview with the Investigator, with a minimum of five (5) days' notice.

b. Individual Interviews

The investigator will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the investigator and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further RSC discipline for failure to do so.

Each party will be provided with an audio or audiovisual recording or transcript of the questioning of parties and witnesses with enough time for the party to have a reasonable opportunity to assess credibility and/or propose follow-up questions.

The investigator will then gather from parties, witnesses, and other sources, all relevant evidence.

At the initial interview with each party, the investigator will invite the parties to provide, in writing and in advance of the individual interviews, questions to ask of the parties and witnesses that are relevant and not otherwise permissible, including questions exploring credibility. Upon receiving the question list, the investigator will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The investigator must give a party an opportunity to clarify or revise any question that the investigator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked.

An investigator will not permit questions that are unclear or harassing of any party or witness being questioned.

The College will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. The College has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable RSC rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the College's discretion, with all participants joining virtually through a video conferencing option.

The investigator will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole

discretion to determine which parties and witnesses to call to an interview. The investigator may conduct follow-up interviews as they deem appropriate.

c. Investigator Determination of Relevance

The investigator will determine whether parties and witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered. If the Decisionmaker is not the investigator, the Decisionmaker is not bound by the investigator's determinations about relevance.

d. Evidence Review

At the conclusion of all fact-gathering, the investigator will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

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 and to submit any additional relevant evidence, questions for parties or witnesses, or the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decisionmaker. Given the sensitive nature of the information provided, RSC will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 5 days to inspect and review the evidence and submit a written response in writing to the investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the investigator, the investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly-gathered evidence. No new evidence will be accepted as part of any response, except that the

investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The parties may each submit a written impact statement prior to the conclusion of the resolution process. The impact statement is not evidence, and will be reviewed only after a determination of responsibility is reached.

The investigator will consider the parties' written responses before finalizing the investigation report.

e. Determination and Investigation Report

The investigator may serve as the Decisionmaker. The Decisionmaker shall evaluate the relevant and not impermissible evidence and make a factual determinations regarding each allegation.

The Decisionmaker may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not otherwise impermissible, or who was not available, despite reasonable diligence, for a follow-up interview. The Decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions.

The Decisionmaker shall then determine, based upon the factual findings, whether a violation of RSC policy occurred. The Decisionmaker shall prepare a report which shall include:

- A description of the sex-based harassment;
- A reference to the policies and procedures used to evaluate the allegations;
- Description of all procedural steps taken to date;
- The Decisionmaker's evaluation of the relevant evidence along with the finding of facts;
- Determinations for each allegation, with the rationale;
- Sanction determination (if applicable);
- Whether remedies will be provided;
- The procedures for an appeal.

This report shall be provided to the Title IX Coordinator. In the event that the Decisionmaker has determined that a violation of RSC policy has occurred, the Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to

determine the sanction, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties.

- *Sanctioning Officer or Designee for Student Respondents:* Vice President of Student Life
- *Sanctioning Officer or Designee for Staff Respondents:* Director of Human Resources
- *Sanctioning Officer or Designee for Faculty Respondents:* The Provost

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the Decisionmaker's report. The Notice of Outcome shall include any disciplinary sanctions for the respondent, whether remedies will be provided, and the procedures for appeal. In addition, the complainant shall be informed of any remedies that apply to the complainant.

The Title IX Coordinator will provide each party, and their advisor, written communication regarding the decision, the sanction determination, and the procedures for appeal, along with a copy of the Investigation Report. The Title IX Coordinator will also provide written communication to the Complainant regarding any appropriate remedies.

Past findings of responsibility relating to this policy or any other RSC policy are admissible in the sanctioning stage only.

6. Appeals

Dismissals of complaints and determinations made in the investigation and decisionmaking processes may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the Appeals Panel assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) days following the issuance of the outcome letter.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within one (1) day, and have five (5) days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appeals Panel being assigned, either party may provide written objection to the Appeals Panel on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeals Panel.

Appeals may be filed only on the following three grounds:

- a. Procedural Error: A procedural error occurred would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,
- b. New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, that would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
- c. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Appeals Panel will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeals Panel's decision to the parties. The decision of the Appeals Officer is final.

7. Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive actions/ corrective actions within the timeframe specified by the College. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Students who fail to comply will be referred to the Office of Student Accountability in accordance with RSC's Code of Accountability. Employees who fail to comply will be referred to the Office of Human Resources (non-faculty employees), or the Office of the Provost (faculty) in accordance with RSC's Employee Handbook/Faculty Handbook.

8. Notation on Student Transcripts for Crimes of Violence

If a student is suspended or expelled as a result of being found responsible for a Crime of Violence, RSC must make a notation on the student's transcript that the student was "suspended after a finding of responsibility for a Code of Conduct violation" or "expelled after a finding of responsibility for a Code of Conduct violation." If a student withdraws from RSC while such conduct charges related to crimes of violence are pending against

the student, and declines to complete the disciplinary process, RSC must make a notation on the student's transcript that they "withdrew with conduct charges pending." These transcript notations can be appealed by contacting the Provost.

Transcript notations for violence-related suspensions shall not be removed prior to one year after conclusion of the suspension. Transcript notations for violence-related expulsions shall never be removed from a student's transcript. A notation for an expulsion may not be removed via an appeal to RSC. If a finding of responsibility is vacated for any reason, however, the transcript notation must be removed. Further, if a court of competent jurisdiction vacates a finding of responsibility for a violation of college policy, the transcript notation memorializing that finding will also be vacated.

E. RECORD RETENTION

In implementing this policy, records of all reports and resolutions will be kept by the Coordinator in accordance with the applicable RSC records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information.

F. ADDITIONAL ENFORCEMENT INFORMATION

The U.S. Equal Employment Opportunity Commission (EEOC) investigates reports of unlawful harassment and discrimination, including sex-based harassment, in employment.

The U.S. Department of Education, Office for Civil Rights (OCR) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.

For more information, contact the nearest office of the EEOC or OCR.

US Department of Education

Office for Civil Rights

Contact information

U.S. Equal Employment Opportunity Commission (EEOC)

<https://www.eeoc.gov/contact-eeoc>

State Offices

New York State Division of Human Rights (DHR)

<https://dhr.ny.gov/complaint>

G. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this policy in a manner consistent with institutional policy upon determining that changes to law, regulation or

best practices require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. The policy definitions in effect at the time of the conduct will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the College website.

H. KEY DEFINITIONS

1. Advisor

Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. RSC will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend.

Except where explicitly stated by this policy, advisors shall not participate directly in the process. RSC will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.

The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding.

2. Consent, Incapacitation, Force, and Coercion

- a. Consent Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance does not in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop. Children under 17 years of age cannot legally consent under New York State law to having sex or sexual contact with an adult (i.e., someone who is 17 years of age or older).

Consent cannot be given if any of the following are present: Incapacitation, Force, or Coercion.

- b. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. Under this policy, the College will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment.
- c. Coercion/Force: Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.
- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
 - Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

3. Sexual Activity

Sexual activity shall have the same meaning as “sexual act” and “sexual contact.” The term “sexual act” means: A. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; B. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; C. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or D. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. The term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse,

humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”

4. Complaint

A complaint means an oral or written request to Title IX Coordinator that objectively can be understood as a request for the College to investigate and make a determination about alleged sex discrimination under this policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (email), by using the contact information listed on the Title IX/Equal Opportunity website, or as described in this policy. Individuals who would like more information about filing a complaint are invited to contact the Title IX Coordinator for additional information.

5. Complainant

Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this policy, and who was participating in a RSC program or activity at the time of the alleged misconduct.

6. Confidential Resources

Any individual identified by the College who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

7. Days

Any reference to days refers to business days when the College is in normal operation.

8. Decisionmaker

Trained professional designated by the College to decide responsibility, sanction, or appeals. A Decisionmaker may be one person or a panel of multiple people as determined by the College. When there is no hearing, the investigator may be appointed as the Decisionmaker.

9. Disclosure or Report

A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this policy, or

whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

10. Education Program or Activity

RSC's "education program or activity" includes all campus operations, including off-campus settings that are operated or overseen by the College, including, for example, field trips, online classes, and athletic programs; conduct subject to the College's disciplinary authority that occurs off-campus; conduct that takes place via RSC-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the College. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

11. Finding

A written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

12. No-Contact Directive

A No Contact Directive is a document issued by a RSC administrator that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the respondent not contact the complainant.

13. Notice

All notices under this policy are written and sent to the student or employee's assigned RSC email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official RSC records, or personally delivered to the intended recipient.

14. Party/parties

Refers to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).

15. Remedies

Remedies means measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this policy. These measures are provided to restore or preserve that person's access to the education program or activity after RSC determines that sex discrimination occurred. Only the

complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for implementation of remedies.

16. Respondent

An individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

17. Sanctions

One or more of the sanctions or disciplinary steps listed here may be imposed on a respondent who is found responsible for a violation of RSC's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable RSC rules, policies, and procedures. Factors considered when determining a sanction/ responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous resolutions or allegations involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation.
- The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Faculty found responsible for violating this policy may be referred to the appropriate academic official for any other applicable processes.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- Warning
- Disciplinary probation
- Loss of privileges
- Fines
- Restitution
- Sanctions
- Parental/guardian notification
- Residence hall suspension
- Residence hall expulsion
- Short-term college suspension
- Long-term college suspension
- Administrative suspension
- Expulsion
- Revocation of degree
- Withholding degree
- Prohibition of professional practice
- Mandatory assessment/counseling.

Possible sanctions and disciplinary steps for staff and faculty respondents include, but are not limited to:

- Verbal warning
- Written reprimand
- Mandatory training session(s)
- No contact order
- Suspension without pay

- Termination and/or termination with the issuance of a persona non grata letter

18. Student

Any person who has (or will have) attained student status by way of:

- a. Admission, housing or other service that requires student status.
- b. Registration for one or more credit hours.
- c. Enrollment in any non-credit, certificate or other program offered by the College.

I. RESOURCES

1. Privileged & Confidential Resources for Students

On Campus

Wellness Centers:

Troy

518-244-2261

troywellnesscenter@sage.edu

Albany

518-292-1917

albanywellnesscenter@sage.edu

Spiritual Center:

Darren Gundrum,

Protestant Chaplain & Spiritual Advisor

gundrd@sage.edu

Off Campus

- Albany County Crime Victim and Sexual Violence Center 24-Hour Sexual Assault Hotline: 518-447-7716.
- St. Peter's Crime Victim Services 24-Hour Crisis Hotline: 518-271-3257.
- New York State Domestic and Sexual Violence Hotline: 1-800-942-6906.
- Equinox Hotline: 518-432-7865.
- Unity House Hotline: 518-272-2370.
- The National Domestic Violence Hotline: 1-800-799-7233.

- The National Sexual Assault Hotline: 1-800-656-4673.
- Safe Horizon Hotlines: 800-621-4673 (domestic violence), 866-689-4357 (victims of other crimes, 1-212-227-3000 (rape & sexual assault victims).

Resources for Victims of Sexual Assault

See Appendix A, attached.

Employees Exempt from Reporting, for Students

Wellness Centers:

Troy 518-244-2261 troywellnesscenter@sage.edu

Albany 518-292-1917 albanywellnesscenter@sage.edu

Spiritual Center:

Darren Gundrum,
Protestant Chaplain & Spiritual Advisor
gundrd@sage.edu

2. Privileged & Confidential Resources for Employees

Our employee assistance program is available 24 hours a day, 7 days a week and includes counseling benefits, legal assistance (not related to employment or medical concerns), and other wellness benefits. This confidential service can be reached at www.HigherEDEAP.com or 800-252-4555.

Employees can also access confidential support services through our external community agencies (listed above), as well as nationally. The Title IX Coordinator and/or Director of Human Resources/Deputy Title IX Coordinator are available for further information and referrals.

APPENDIX A

I. Procedure for Responding to a Sexual Assault, Relationship Violence, and Stalking

If you believe you are the victim of a Sexual Assault, Relationship Violence, or Stalking, you should follow the following procedures:

A. Get yourself to a safe place. UHA Public Safety, the Albany Police Department, the Troy Police Department, and/or the New York State Police can help you do this. Officers of those agencies are trained to respond to the needs of a victim of a Sexual Assault. They can also make you aware of support and advocacy services and advise you about reporting procedures and requirements.

B. Obtain medical attention. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible is important in the case of sexual assault. Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (or “SAFE,” commonly referred to as a rape kit) at a hospital. We encourage you to receive immediate medical attention at a facility that uses SAFE, or Sexual Assault Forensic Examiners. Completing a SAFE will not require you to file a police report, but it will help to preserve evidence in case you decide at a later date to file a police report. Local hospitals, with and without SAFE, include the following:

Program/ Entity	SAFE Facility?	Location	Contact Information
Samaritan Hospital	Yes	2215 Burdett Ave. Troy, NY 12180	P: 518-271-3300
St. Mary's Hospital	No	1300 Massachusetts Ave. Troy, NY 12180	P: 518-268-5000
Albany Medical Center	Yes	43 New Scotland Ave. Albany, NY 12208	P: 518-262-3125
St. Peter's Hospital	No	315 S. Manning Blvd. Albany, NY 12208	P: 518-525-1550
Albany Memorial Hospital	Yes	600 Northern Blvd. Albany, NY 12204	P: 518-471-3221

While there should be no charge from these hospitals for a rape kit, there may be charges for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital

personnel know if you do not want your insurance policyholder to be notified about your access to these services.

You may also receive medical services from RSC's Wellness Center. These services are provided at no cost to the reporting individual. The Wellness Center can be located and/or contacted as follows:

Kellas Hall, lower level First Street Troy, New York 12180 troywellnesscenter @RSC.edu Phone: (518) 244-2261 Fax: (518) 244-2262	Kahl Campus Center, lower level 140 New Scotland Avenue Albany, New York 12208 albanywellnesscenter @RSC.edu Phone: (518) 292-1917 Fax: (518) 292-1918
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Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available at:

Program/ Address	Telephone	Hours	Cost	Notes
Albany County Health Department STD Clinic 175 Green St Albany, NY 12202	(518) 447-4589	Tue-Thu 8:30- 10:00 AM (check-in)	For a fee. Students must be Albany county residents or full-time students living in campus housing.	Patients are seen on a first come first serve basis. Clinic hours listed are for check-in. Clinic remains open until all patients are seen.
Rensselaer County Health Dept 1600 7th Ave Second Floor Troy, NY 12180	(518) 270-2655	Wed 2:00-4:30 PM	Free	Walk-in clinic

Remember that this medical treatment may also provide the opportunity for the collection and documentation of evidence, should you decide to pursue the incident and offender through the legal system. UHA Public Safety, the Albany Police Department, the Troy Police Department, and/or the New York State Police may assist you in this effort as well.

The New York State Office of Victim Services may also be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here:

http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

C. Preserve Evidence. We encourage you to take steps to preserve any and all evidence when a Sexual Assault occurs, as this evidence may be necessary to prove that the Assault took place and/or to obtain a protective order. Be aware that the location of the Assault, your clothing, and your person may be considered a “crime scene,” and as such, a source of evidence. The location of the incident should be safeguarded and the victim should avoid washing, douching, using the toilet or changing clothes prior to a medical/legal exam. To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

D. Report the incident. RSC encourages, but does not require, victims, survivors, complainants, claimants, and witnesses with victim status of Sexual Assaults (reporting individuals) to report the incident to one or more of the following resources:

1. First, you may (but are not required to) report a Sexual Assault to local law enforcement (such as the Albany Police Department or the Troy Police Department), and/or the New York State Police for the sole purpose of documentation. You may also (but are not required to) report it to local law enforcement and/or State Police so that they may investigate the matter and identify an offender. You may contact local and state law enforcement as follows:
 - Albany Police Department
Address: 165 Henry Johnson Blvd., Albany NY 12210
Emergencies: 9-1-1
Non-Emergencies: (518) 438-4000
Website:
<http://www.albanyny.org/Government/Departments/PoliceDepartment.aspx>
 - Troy Police Department
Address: Central Station, 55 State Street, Troy NY 12180
Emergencies: 9-1-1
Non-Emergencies: (518) 270-4411
Website:
<http://www.troypd.org/Departments/PoliceDepartment/Home.aspx>
 - New York State Police, Troop G

General Address: 760 Troy Schenectady Road, Latham, NY 12110

General Phone: (518) 783-3211

- o Zone 1 – Troy: 295 Brickchurch Road, Troy, NY 12180; (518) 279-4426
- o Zone 4 – Albany: Concourse, Empire State Plaza, Albany, NY 12242; (518) 474-5331

If you want or need assistance in notifying the local Police Departments or State Police, you should contact RSC's Office of Public Safety who will assist you in doing so. RSC's Office of Public Safety can be contacted as follows:

- Addresses:
 - o Main Office: 130 New Scotland Avenue, The Armory at Sage, Albany, NY 12208
 - o Satellite Office: John Paine Building, 1st Floor, Troy Campus
- Emergencies: (518) 244-3177
- Non-Emergencies:
 - o Albany Campus: (518) 292-1767
 - o Troy Campus: (518) 244-3177

If you choose to contact law enforcement, you may have the further option to (but are not required to) pursue the case through the criminal justice system, where you will be assisted by the District Attorney's office, the local or state Police Department and the support and advocacy services of your choice.

2. Second, you may (but are not required to) report the Sexual Assault to UHA Public Safety. This may trigger the judicial process of RSC, which may result in the removal of the offender from the campus. It also assists RSC in complying with Federal requirements for reporting Assaults occurring on campus. You may (but are not required to) report Sexual Assaults anonymously to UHA Public Safety, preserving your privacy and only reporting the particulars of the incident.
3. Third, you may also (but are not required to) report the Sexual Assault to the Title IX Coordinator or any senior officer of RSC.
 - When you first disclose an incident to a representative of RSC, you will be presented with (1) a copy of this policy, (2) a written explanation of your rights and options, whether the incident occurred on or off-campus, and (3) the following information: "You

have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

- You will have the right to emergency access to the Title IX Coordinator or another appropriate official who has been designated by the Title IX Coordinator to provide emergency assistance (the “Designee”). The Designee may be an official of RSC or an official of an off-campus resource. The Title IX Coordinator or Designee will be available upon the first instance of disclosure by a reporting individual to provide immediate information and assistance regarding (1) options to proceed, including other reporting options; (2) where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible; and (3) the criminal justice process, including that it utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The Title IX Coordinator or Designee will also explain whether he or she is authorized to offer you confidentiality or privacy, and will inform you about other reporting options.
 - The Title IX Coordinator will generally be available for emergency access on weekdays during normal business hours, at the following: Amanda M. Bastiani, Title IX Coordinator/EEO Specialist, bastia@sage.edu or titleix@sage.edu, (518) 244-4809.
 - When the Title IX Coordinator is not available, emergency access to a Designee will be available, at the following: Public Safety, (518) 244-3177.
- Be aware that certain RSC officials with significant responsibility for student and employee activities may be required by law to disclose the occurrence of the event. If you make a report to an official who is required by law to disclose the occurrence of the event, but you request confidentiality, the Title IX Coordinator will evaluate the confidentiality request, by weighing the request against RSC’s obligation to provide a safe, non-discriminatory environment for all members of its community. If it is determined that the incident must be disclosed, your name will be kept confidential, and you will be offered privacy to the greatest extent possible. If it is determined that the incident must be kept confidential, RSC will still assist with

academic, housing, transportation, employment, and other reasonable and available supportive and/or safety measures.

- Even RSC officers and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. Your identity will remain private at all times if you wish to maintain privacy.
 - RSC will make every effort to ensure that you are asked to describe the incident to as few representatives of RSC as possible, and are not required to unnecessarily repeat a description of the incident.
4. Fourth, in addition to, or in lieu of, reporting a Sexual Assault to one or more of the above, you may (but are not required to) make a confidential report to any campus mental health counselor, pastoral counselor, social worker, psychologist, nurse-practitioner, or other person with a professional license or who is supervised by such a person. This includes, but is not limited to, professional employees and support staff at the Wellness Center. These employees are exempt from any requirement to further disclose your report to them, unless you want and ask them to do so. These employees can assist in obtaining services for reporting individuals.
 5. In addition, you may confidentially disclose the Sexual Assault and obtain services from the state or local government.
 6. You can also make an anonymous report to a confidential hotline provided by New York state agencies and not-for-profit entities. These hotlines include:
 - New York State Domestic and Sexual Violence Hotline: 1-800-942-6906.
 - Equinox Hotline: 518-432-7865.
 - Unity House Hotline: 518-272-2370.
 - The National Domestic Violence Hotline: 1-800-799-7233.
 - The National Sexual Assault Hotline: 1-800-656-4673.
 - Safe Horizon Hotlines: 800-621-4673 (domestic violence), 866-689-4357 (victims of other crimes, 1-212-227-3000 (rape & sexual assault victims).

7. Lastly, if the accused is an employee of RSC, you can report the Sexual Assault to RSC's Human Resources Department, or request that another employee assist in reporting to the Human Resources Department.

RSC encourages the victims of Sexual Assaults to report the incidents, in any of the manners described above. However, again, victims are not required to report the Assault to, or to seek assistance from RSC, law enforcement, or campus authorities. RSC will not pressure any student or employee to disclose a crime or violation, or to participate in the judicial, conduct, or criminal justice processes.

Reporting an incident does not:

- obligate the victim to prosecute;
- subject the victim to inappropriate scrutiny or judgment by the person receiving the report; or
- suggest in any way that the victim is at fault for the crime or violation, or should have acted in a different manner to avoid the crime or violation.

Reporting the incident does:

- ensure that a victim of a Sexual Assault receives necessary medical testing and treatment;
- provide the opportunity for collection of evidence critical to a prosecution, which cannot be obtained later;
- ensure that the victim has knowledge of and access to professional, confidential counseling from counselors specifically trained in the areas of Sexual Assaults.

- E. **File a Complaint with RSC.** If you believe you have been subject to a Sexual Assault, you may file a complaint under one or more of the following policies:

- File a complaint under the Title IX Policy.
- File a complaint under RSC's [Discrimination and Harassment Policy for Students and Employees](#).

- F. **Request to File Student Accountability Charges.** If the accused or respondent is a student, you may request that RSC file student accountability charges against the accused or respondent. All students have the right to request that RSC bring student accountability charges

against another student. Requests to file charges should be prepared in writing and directed to the Vice President for Student Life. Written requests may be emailed to the Vice President of Student Life at cellep@sage.edu, or mailed or delivered in person to the Vice President of Student Life at: RSC, 140 New Scotland Ave., Albany, NY 12208.

RSC retains the right to determine whether to actually file the charges against the accused or respondent. RSC can initiate charges or choose not to initiate them when evidence does or does not merit doing so, in conformity with state and federal law, RSC's Student Code of Accountability, and other RSC policies. Additional details regarding Student Conduct Charges can be found in the Student Code of Accountability, available at: <https://www.sage.edu/student-life/office/code-of-accountability/>.

You should be aware that there are significant differences between RSC's disciplinary system and the criminal justice system, because they have different, important goals. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, beyond a reasonable doubt, that an individual has committed a criminal act. A person who is convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. RSC's disciplinary process seeks to determine whether an individual has violated college policy. In this process, a preponderance of the evidence standard of proof is used to determine responsibility. A person who is found to have violated RSC policy may be suspended, expelled or otherwise restricted from full participation in the RSC community. Additional information regarding these distinctions can be found in the Student Code of Accountability, available at: <https://www.sage.edu/student-life/office/code-of-accountability/>.

G. Seek an Order of Protection or No Contact Order.

1. Orders of Protection

Victims of Sexual Assaults may have a right to obtain a court order to protect themselves from the perpetrators. RSC will enforce all applicable no contact orders, restraining orders, and similar lawful orders issued by a criminal, civil, or tribunal court, to the extent required by law.

An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence. Family Courts, criminal courts, and Supreme Courts can all issue orders of protection. An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order.

A Family Court order of protection is issued as part of a civil proceeding. Its purpose is to stop violence within a family, or within an intimate relationship, and provide protection for those individuals affected. All Family Court proceedings are confidential. To obtain an order of protection in the Family Court, your relationship to the other person must fall into one of the following categories: (1) current or former spouse, (2) someone with whom you have a child in common, (3) a family member to whom you are related by blood or marriage, or (4) someone with whom you have or have had an "intimate relationship." An intimate relationship does not have to be a sexual relationship. A relationship may be considered intimate depending on factors such as how often you see each other, or how long you have known each other. After a petition is filed, the court will decide if it is an intimate relationship.

To start a proceeding in Family Court, you need to file a form called a Family Offense petition. You can contact the Family Court in your county for help completing and filing the petition. Contact information for the Family Courts in Albany and Troy are as follows:

- Albany County Family Court
Address: 30 Clinton Avenue, Albany, NY 12207
Phone: 518-285-8600
Fax: 518-238-4344
- Rensselaer County Family Court
Address: 1504 Fifth Ave, Troy, N.Y. 12180
Phone: 518-453-5515
Fax: 518-285-8500

You may also wish to speak with an attorney or domestic violence advocate before filing.

A criminal court order of protection is issued as a condition of a defendant's release and/or bail in a criminal case. A criminal court order of protection may only be issued against a person who has been charged with a crime.

RSC will provide reporting individuals assistance from Public Safety, RSC security forces, or other appropriate officials in obtaining an order of protection. The following individuals can be contacted for assistance in obtaining or understanding an Order of Protection:

- Robert A. Sears
Director of Public Safety
518-292-1723 office
518-542-1490 cell

bsears@universityheights@sage.edu

- The Legal Project
24 Aviation Road, Suite 101
Albany, NY 12205
(518) 435-1770 (phone)
(518) 435-1773 (Fax)
www.legalproject.org

RSC will provide the accused or respondent and the reporting individual a copy of any order of protection or equivalent that RSC receives. RSC will also provide the accused or respondent and the reporting individual an opportunity to meet or speak with a representative of RSC, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons. RSC will provide the accused or respondent and the reporting individual an explanation of the consequences of violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. RSC will also call on and assist local law enforcement in effecting an arrest when an individual violates an order of protection.

2. No Contact Orders

When a student is accused of a Sexual Assault, RSC may issue a mandatory "no contact order" to protect you from the respondent or accused. This "no contact order" is an RSC document that does not have the legal effect of an order of protection, which is obtained through a court.

Under the no contact order: (1) the accused's continued intentional contact with the reporting individual is a violation of RSC's policy that is subject to additional conduct charges; and (2) if the accused or respondent and a reporting individual observe each other in a public place, it is the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. This may include establishing a schedule of attendance for the accused or respondent to access certain locations at RSC, such as academic buildings, libraries, athletics or fitness facilities, and dining halls.

Responsibility to stay away falls upon the person subject to the no contact order ("covered person"). A covered person may be a respondent or accused or a third party who is the subject of a no contact order. If the covered person and protected person are in the

same place accidentally, it is incumbent upon the covered person to remove himself or herself in a reasonable time and manner.

Upon request, both the accused (or respondent) and the reporting individual are entitled to a prompt review, reasonable under the circumstances, of the need for and terms of the mandatory no contact order, including potential modification, in which they are allowed to submit evidence in support of their requests. Requests to review a mandatory no contact order should be submitted to: Trish Cellemme, Vice President for Student Life at cellep@sage.edu. If a request for review is received from one party, the other party will be notified of the request for review. The Vice President for Student Life will issue a determination in response to the request, and notify both parties of the determination.

To make a request to impose a RSC “no contact order,” you can contact: Amanda M. Bastiani, Title IX Coordinator/EEO Specialist, bastia@sage.edu or titleix@sage.edu, (518) 244-4809.

H. Initiate Legal Proceedings. You may have the right to initiate legal proceedings. RSC serves as a resource to students in initiating these proceedings. However, RSC is not required to bring actions on behalf of reporting individuals, provide or pay for attorneys, or provide direct support. Local resources may be able to help you initiate legal proceedings, however. These resources may provide services with or without cost. The resources include the following:

- Pro Bono Appeals Program c/o Rural Law Center of NY
90 State Street, Suite 700
Albany, NY 12207
Business Phone: (518) 561-5460
Website:
<http://www.nysba.org/CustomTemplates/Content.aspx?id=180>
- Albany County Bar Association
112 State Street, Suite 1120
Albany, NY 12207
Business Phone: (518) 445-7691
Website: <http://www.albanycountybar.com>
Hotline: (518) 445-7691
- The Legal Project
24 Aviation Road, Suite 101
Albany, NY 12205
(518) 435-1770 (phone)
(518) 435-1773 (Fax)
www.legalproject.org

- Unity House Law Project
Christopher A. Amato, Esq.
518-687-1827
camato@unityhouseny.org

I. **Receive Other Intervention Services.**

RSC recommends that reporting individuals seek the assistance of trained professionals in the aftermath of a Sexual Assault, and will assist reporting individuals to receive this assistance.

RSC’s Wellness Center is a provider of helpful services for reporting individuals, including exit counseling, health, mental health, and other related services. These services are provided at no cost to the reporting individual. The Wellness Center can be located and/or contacted as follows:

<u>Troy Campus</u> Kellas Hall, lower level First Street Troy, New York 12180 troywellnesscenter@RSC.edu Phone: (518) 244-2261 Fax: (518) 244-2262	<u>Albany Campus</u> Kahl Campus Center, lower level 140 New Scotland Avenue Albany, New York 12208 albanywellnesscenter@RSC.edu Phone: (518) 292-1917 Fax: (518) 292-1918
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RSC has also entered into collaborative partnerships with community-based organizations (including rape-crisis centers, domestic violence shelters, and assistance organizations), to refer students for assistance or make services available to students. These helpful service providers in the Albany and Troy Communities, which may be able to provide helpful services (such as counseling, victim advocacy, and visa/immigration assistance), including the following:

Program/Entity	Contact Information	Cost
New York State Office for the Prevention of Domestic Violence	P: (518) 457-5800 W: https://opdv.ny.gov/	No cost
New York State Coalition Against Sexual Assault	P: (518) 482-4222 W: http://nyscasa.org/	For a fee

The Albany County Crime Victim and Sexual Violence Center	P: (518) 447-7716 W: https://www.albanycounty.com/departments/crime-victim-and-sexual-violence-center	No cost
The Sexual Assault and Crime Victims Assistance Program for Rensselaer County	P: (518) 270-4040 W: https://www.rensco.com/203/Victim-Services	No cost
Unity House of Troy	P: (518) 274-2607 W: http://www.unityhouseny.org/	No cost
Equinox	P: (518) 434-6135 W: http://www.equinoxinc.org/	No cost

A number of resources are also available through the New York State Office of Victim Services (OVS). OVS can be contacted by phone at 1-800-247-8035. OVS resources can also be accessed at the following website: <https://ovs.ny.gov>.

- J. Right to Withdraw.** You have the right to withdraw your report and/or to withdraw from involvement in RSC’s investigation of the complaint at any time. If you choose to withdraw, however, RSC may still have obligations to investigate and/or take actions under state or federal law. If RSC continues an investigation or takes action after you withdraw, you have the right to participate as much or as little as you wish.

II. Education and Training for Students and Employees

It is the policy of RSC to offer multiple methods of educational programming to all students and employees each year to prevent Sex Discrimination, Sexual Harassment, and Sexual Assault. RSC has adopted a comprehensive student onboarding and ongoing education campaign to educate members of RSC’s community about Sex Discrimination, Sexual Harassment, and Sexual Assaults, in compliance with applicable federal and state laws.

As part of this campaign, RSC offers training to all first-year and transfer students, whether first-year or transfer, undergraduate, graduate, or professional, during the course of their onboarding, on the topics that include the following, using a method and manner determined by RSC:

1. RSC prohibits sexual and interpersonal violence and will offer resources to any victims and survivors of such violence while taking administrative and

conduct action regarding any accused individual within the jurisdiction of the institution;

2. Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent;
3. Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
4. The role of the Title IX Coordinator, university police or campus security, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response;
5. Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact;
6. Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
7. Risk assessment and reduction including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of institution officials who can answer general or specific questions about risk reduction; and consequences and sanctions for individuals who commit these crimes and Code of Accountability violations.

RSC requires student leaders and officers of student organizations recognized by or registered with RSC, as well as those seeking recognition by RSC, to complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to receiving recognition or registration. RSC will require each student-athlete to complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to participating in intercollegiate athletic competition.

RSC also offers specific training to international students, students who are also employees, leaders and officers of registered or recognized student organizations, and online and distance education students, and members of any high-risk populations, as determined by RSC.

RSC offers general and specific training on each of the following topics to all students and employees:

1. RSC's policy prohibiting relationship violence, sexual assault, and stalking;

2. the definitions of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” under federal law, New York law, and RSC’s policies;
3. the definition of “consent,” in reference to sexual activity, under federal law, New York law, and RSC’s policies;
4. a description of RSC’s educational programs and campaigns to promote the awareness of relationship violence, sexual assault, and stalking;
5. procedures victims should follow if a crime of relationship violence, sexual assault, or stalking has occurred, including information about:
 - a. the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
 - b. how and to whom the alleged offense should be reported;
 - c. options about the involvement of law enforcement and campus authorities, including notification of the victim’s option to: (i) notify proper law enforcement authorities, including on-campus and local police; (ii) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and (iii) decline to notify such authorities;
6. the rights of victims and RSC’s responsibilities for orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by RSC;
7. information about how RSC will protect the confidentiality of victims and other necessary parties, including how it will:
 - a. complete publicly available recordkeeping without including personally identifying information about the victim; and
 - b. maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of RSC to provide the accommodations or protective measures;
8. RSC’s policy of providing written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within RSC and in the community; and

9. RSC's policy of providing written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
10. RSC's policy that, when a student or employee reports to RSC that the student or employee has been a victim of relationship violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options;
11. a description of RSC's disciplinary proceedings regarding alleged incidents of relationship violence, sexual assault, or stalking, which:
 - a. include a prompt, fair, and impartial process from the initial investigation to the final result;
 - b. are conducted by officials who, at a minimum, receive annual training on the issues related to relationship violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - c. provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
 - d. do not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; and
 - e. require simultaneous notification, in writing, to both the accuser and the accused, of (i) the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; (ii) the institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available; (iii) any change to the result; and (iv) when such results become final.
12. information on how to prevent and identify sexual violence;
13. the potential for re-victimization by responders and its effect on students and employees;
14. the impact of trauma on victims;
15. the role alcohol and drugs can play in sexual violence incidents;

16. appropriate methods for responding to a student or employee who may have experienced sexual violence, including the use of nonjudgmental language;
17. reporting obligations, including what should be included in a report, any consequences for failing to report, and how requests for confidentiality should be treated;
18. protections against retaliation; and
19. other information to prevent violence, promote safety and reduce perpetration.

RSC also offers training on bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of a Sexual Assault. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Additionally, all employees and students are offered information regarding risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

All employees also receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. This training includes: the College's obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of "sex-based harassment," and all applicable notification and information requirements under the Title IX regulations.

All investigators, decisionmakers, and other persons responsible for implementing the College's Title IX Policy and procedures, and all employee who have the authority to modify or terminate supportive measures, are also trained on the College's obligations under the Title IX regulations; the College's Title IX grievance procedures, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance. Facilitators of the informal resolution process are also trained on the rules and practices associated with the College's informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias. In addition to the training requirements above, the Title IX Coordinator and any designees are trained on their specific responsibilities under Title IX, the College's recordkeeping system, and any other training necessary to coordinate the College's compliance with Title IX.

RSC shares information on sexual and interpersonal violence and Sexual Assault prevention with parents of students. Information for parents can be found on RSC's website, at <http://www.sage.edu/titleix/>.

RSC regularly assesses programs and policies established pursuant to federal and state law to determine effectiveness and relevance for students and employees.

Any materials used to train Title IX Coordinators and Title IX Grievance Procedure investigators, decision-makers, and informal mediators: (1) do not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment; (2) are maintained by RSC for a period of seven years; and (3) are available to the public upon request.

III. Sexual Offender Registry

The federal Campus Sex Crimes Prevention Act enacted in 2000 went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders to register in a State to provide notice, as required under state law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. The New York State sex offender registry may be accessed at www.criminaljustice.state.ny.us/nsor/index.htm.

In addition, the City of Albany maintains a sex offender registry that may be accessed by "Entities of Vulnerable Population." The University Heights Association's Office of Public Safety (which provides Public Safety services for RSC College of Albany) has been declared such an entity and the registry may be accessed through the Director of Public Safety.

IV. Memoranda of Understanding

RSC has entered into memoranda of understanding with providers to:

1. provide sexual assault forensic examination to students; and
2. provide legal assistance to students (including both accused/respondents and reporting individuals).

RSC has also executed memoranda of understanding in partnership with:

1. a local rape crisis center, to further provide victim advocacy and support services to victims of sexual violence; and
2. local law enforcement authorities, regarding the protocols and procedures for referring allegations of sexual violence, relationship violence, and stalking, sharing information and conducting contemporaneous investigations regarding such allegations.

V. Climate Surveys

RSC conducts a biannual anonymous survey of student and employees to examine (1) the prevalence and incidence of Sexual Assault, (2) the perceptions of the campus climate, (3) the general awareness and knowledge of students and employees about the provisions of the New York Enough is Enough law, and (4) student experience with and knowledge of reporting and college adjudicatory processes. Participation in such a climate survey shall be voluntary but is encouraged.

The climate survey was developed using standard and commonly recognized research methods, and includes questions covering the following topics:

1. the Title IX Coordinator's role;
2. campus policies and procedures addressing sexual assault;
3. how and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
4. the availability of resources on and off campus, such as counseling, health and academic assistance;
5. the prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period;
6. bystander attitudes and behavior;
7. whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
8. the general awareness of the difference, if any, between the institution's policies and the penal law; and
9. general awareness of the definition of affirmative consent.

RSC will take steps to ensure that answers to climate assessments remain anonymous and that no individual is identified. RSC will publish an executive summary of the climate assessment survey results on RSC website, provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual is shared.

VI. Annual Reporting

Reports of certain crimes occurring in specific geographic locations are included in RSC's annual security report (ASR), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual.

RSC is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. A reporting individual shall not be identified in a timely warning.

FERPA allows RSC to share information with parents when (i.) there is a health or safety emergency, or (ii.) when the student is a dependent on either parent's prior year federal income tax return. Generally, however, RSC will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

RSC will annually report the following information about reports of domestic violence, dating violence, stalking and sexual assault to the New York State Education Department:

1. The number of such incidents that were reported to the Title IX Coordinator.
2. The number of reporting individuals who sought RSC's judicial or conduct process.
3. The number of cases processed through RSC's judicial or conduct process.
4. The number of respondents who were found responsible through RSC's judicial or conduct process.
5. The number of respondents who were found not responsible through RSC's judicial or conduct process.
6. A description of the final sanctions imposed by RSC for each incident for which a respondent was found responsible through RSC's judicial or conduct process.
7. The number of cases in RSC's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from RSC and declined to complete the disciplinary process.
8. The number of cases in RSC's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.

RSC maintains, for seven years, records of:

1. any sexual harassment investigation, including any responsibility determination, and any required recording or transcript, as well as any

sanctions imposed on the respondent, and any remedies provided to the complainant; any appeal and its result;

2. any informal resolution and its results; and
3. all materials used to train investigators, adjudicators, and Title IX coordinators with regard to sexual harassment.

RSC will also create and maintain for a period of seven years a record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, as well as document the bases for its conclusions and that it has taken measures designed to preserve access to the institution's educational program or activity.