

Sexual Violence Response Policy

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

I - Reporting:

- To disclose *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential reporting is available in the Options for Confidentially Disclosing Sexual Violence Policy):
<http://sunypoly.edu/titleix>.

- **SUNY Poly Counseling Services (Utica campus)**
<https://sunypoly.edu/student-life/student-resources/wellness-center>

Sandra Mizerak NCC, LMHC

Mental Health Counselor

Wellness Center

Kunsela Hall 010

100 Seymour Road

Utica, NY 13502

Sandra.Mizerak@sunypoly.edu

315-792-7172

Briana Talarico-Lewis, LMFT

Mental Health Counselor

Wellness Center

Kunsela Hall 010

100 Seymour Road

Utica, NY 13502

lewisb3@sunypoly.edu

315-792-7172

All Wellness Center staff, including Licensed Mental Health Counselors, Licensed Medical Professionals, Health Promotion, and Wellness Center support staff members are considered confidential resources.

- **Counseling and Psychological Services through University at Albany (Albany campus)**

https://www.albany.edu/counseling_center/

Dutch Quad

Albany, NY 12206

518-442-5800

- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <https://www.opdv.ny.gov/help/addbenefits.html> or by calling 1-800-942-6906.

Assistance can also be obtained through:

- SurvJustice: <http://www.survjustice.org/services.html>
- Legal Momentum: <http://www.legalmomentum.org/>
- NYSCASA: <http://nyscasa.org/>
- NYSCADV: <https://www.nyscadv.org/>
- Pandora's Project: <http://www.pandys.org/>

- o GLBTQ Domestic Violence Project: <http://www.glbtdvp.org/>
- o RAINN: <https://www.rainn.org/get-help>
- o Safe Horizons: <https://www.safehorizon.org/>

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

- To disclose the incident to one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. These officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private but not confidential resources, and they may still be required by law and college policy to inform one or more college officials about the incident, including, but not limited to, the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

- o Title IX Coordinators;
- o SUNY Poly University Police Department (available 24/7)

- To file a criminal complaint with SUNY Poly University Police and/or with local law enforcement and/or state police:

- o SUNY Poly University Police Department

Utica:
 Kunsela Hall, Room B126
 100 Seymour Road
 Utica, NY 13502
 Emergency: 315-792-7111
 Non-emergency: 315-792-7222

Albany:
 Nano Fab East #1701
 257 Fuller Road
 Albany, NY 12203
 518-437-8600

Anonymous disclosures of crimes can be made to University Police via the anonymous witness form at: <https://sunypoly.edu/university-police/anonymous-witness-form/>.

Please note that this online system is not designed for immediate response.

- o Local Law Enforcement (911 also for emergencies)

Utica Area
 Oneida County Sheriff's Office
 6065 Judd Road
 Oriskany, NY 13424
 315-736-0141

Albany Area

Albany Police Department Headquarters
165 Henry Johnson Blvd.
Albany, NY 12210
518-438-4000

O NYS Campus Sexual Assault Victims Unit: To report a sexual assault, dating violence, domestic violence and/or stalking within a college campus in New York State, 24 hour hotline: 1-844-845-7269

- To receive assistance by University Police in initiating legal proceedings in family court or civil court.
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with SUNY Poly's policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. (Please see Options for Confidentially Disclosed Sexual Violence for additional information on Privacy versus Confidentiality.)

Title IX Coordinators

Katie Tynan-Simon, Title IX Coordinator
315-792-7235
Student Center, S228 (Utica)
tynank@sunypoly.edu

518-956-7317
NFS 317 (Albany)
ktynan@sunypoly.edu

Mark Montgomery, Deputy Title IX Coordinator
Chief Diversity Officer
315-792-7338
Kunsela B233 (Utica)
montgom@sunypoly.edu

- When the accused is an employee, a reporting individual may also report the incident to SUNY Poly Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

SUNY Poly Human Resources

Utica:

Kunsela Hall, Room A011
100 Seymour Road
Utica, NY 13502
315-792-7191

Albany:

NFE Suite 2100
257 Fuller Road
Albany, NY 12203

518-437-8686

- You may withdraw your complaint or involvement from the SUNY Poly process at any time.
- Every college shall ensure that, at a minimum, at the first instance of a disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: “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.

II - Resources:

- To obtain medical and/or counseling services:

Wellness Center- Counseling Services

Kunsela Hall 010

100 Seymour Road

Utica, NY 13502

Phone: [315-792-7172](tel:315-792-7172)

Fax: [315-792-7371](tel:315-792-7371)

<https://sunypoly.edu/student-life/student-resources/wellness-center>

Wellness Center- Medical Services

Campus Center Suite 217

100 Seymour Road

Utica, NY 13502

Phone: [315-792-7172](tel:315-792-7172)

Fax: [315-792-7371](tel:315-792-7371)

<https://sunypoly.edu/student-life/student-resources/wellness-center>

Most services provided at the Wellness Center are free of charge. All students pay a health fee which entitles them to unlimited services provided by the medical and mental health counseling staff. All registered students have access to free, confidential services at the Wellness Center.

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs is available at our Utica site through the on-campus Wellness Center. Please see the Testing for Sexually Transmitted Infections (Student Information) document posted at the link below for additional information on applicable fees and billing options

<https://sunypoly.edu/student-life/student-resources/wellness-center/medical-services>

Testing for STIs and emergency contraception is also available at the following locations off-site. Emergency contraception can also be obtained from a local pharmacy.

Utica Area:

Planned Parenthood - Utica Center

1424 Genesee Street

Utica, NY 13502

315-724-6146

<https://www.plannedparenthood.org/planned-parenthood-mohawk-hudson>

There is a sliding fee scale based on your income and ability to pay; more specific fee information is available by contacting Planned Parenthood directly.

Oneida County Health Department - Utica Clinic

406 Elizabeth Street

Utica, NY 13501
315-798-5747

www.ocgov.net/oneida/health/STDs

Most insurance plans are accepted; if you are uninsured or do not want to use your health insurance, there is a sliding fee scale based on your ability to pay. No one is denied testing or treatment based on their ability to pay.

AIDS Community Resources (ACR Health) - Utica Office
401 Columbia Street
Utica, NY 13502
315-793-0661
Toll-free: 800-475-2430
<http://www.acrhealth.org/>

Albany Area:

Planned Parenthood - Albany Health Center
855 Central Avenue
Albany, NY 12206
518-434-5678

There is a sliding fee scale based on your income and ability to pay; more specific fee information is available by contacting Planned Parenthood directly.

<https://www.plannedparenthood.org/health-center/new-york/albany/12206/albany-health-center-3336-91020>

Albany County Department of Health STD Clinic
175 Green Street
Albany, NY 12202
518-447-4580

<http://www.albanycounty.com/Government/Departments/DepartmentofHealth/ProgramsandServices/SexuallyTransmittedDiseasesClinic.aspx>

Most insurance plans are accepted; if you are uninsured, there is a sliding fee scale based on your ability to pay. No one is denied testing or treatment based on their ability to pay.

Alliance for Positive Health
927 Broadway
Albany, NY 12207
518-434-4686

<http://www.allianceforpositivehealth.org/programservices/>

Walk-in HIV testing and STI screening available. Testing is free but only offered to those with designated risk factors; criteria for free testing is available at their website (link above).

- Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: <https://ovs.ny.gov/> or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/ovs-services>.
- 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.

III - Protection and Accommodations:

- When the accused is a student, to have the college issue a “No Contact Order,” consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with SUNY Poly policy. Parties may submit evidence in support of their request.
- To have assistance from SUNY Poly University Police or other college officials in initiating legal proceedings in family court or civil court, including, but not limited to, obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including, but not limited to, arrest, additional conduct charges, and interim suspension.
- To have assistance from SUNY Poly University Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of SUNY Poly University Police or, if outside of the jurisdiction or if Campus Security does not have arresting powers to call on and assist local law enforcement in effecting an arrest for violating such an order.
- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused subject to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Poly policies and rules.
- When the accused is not a member of the college community, to have assistance from SUNY Poly University Police or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the Title IX Coordinators can serve as a point of contact to assist with these measures:

Title IX Coordinators

Katie Tynan Title IX Coordinator
315-792-7235
Student Center, S228 (Utica)
tynank@sunypoly.edu

518-956-7317
NFS 317 (Albany)
ktynan@sunypoly.edu

Mark Montgomery, Deputy Title IX Coordinator
Chief Diversity Officer
315-792-7338
Kunsela B233 (Utica)
montgom@sunypoly.edu

IV - Student Conduct Process:

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the SUNY Poly Student Handbook/Code of Conduct (<https://sunypoly.edu/sites/default/files/studentconduct/Student-Code-Conduct2020-2021.pdf>) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
 - o The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Personal Conduct.
 - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartially, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
 - o The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
 - o The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
 - o The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
 - o The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Poly).
 - o The right to present evidence and testimony at a hearing, when appropriate.
 - o The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
 - o The right to exclude prior sexual history with persons other than the other party in the conduct process or their own past mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

- o The right to ask questions of the decision-maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- o The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- o The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s), and the rationale for the decision and any sanctions.
- o The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- o Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- o The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
 - Director of Community Standards and Leadership, 315-792-7530
Campus Center, Residential Life Suite #229, Utica Site
- o The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- o The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.