

Sexual Offense Violations

The definitions of conduct below are strictly prohibited at Monroe College by the Sexual Offenses and Title IX Policy:

- **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 shall be 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".
- **Domestic Violence** is defined as a felony or misdemeanor crime 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 family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Sexual Assault** is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes, but is not limited to, the offenses defined below.
 - **Rape** is 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.
 - **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Assault with an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the person is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. Note: Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.
- **Sexual Exploitation** refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Assault or Sexual Harassment. Examples of sexual exploitation include, but are not limited to:
 - Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
 - Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
 - Prostitution.
 - Sexual Exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.
- **Sexual Harassment** is defined as unwelcome, sexual or gender-based verbal, written or physical conduct that is, sufficiently severe, persistent or pervasive that it, has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the college's educational, social and/or residential program, and is based on real or reasonably perceived power differentials (quid pro quo), the creation of a hostile environment or retaliation.
- **Stalking** is defined as engaging in a course of conduct 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.

On-Campus Resources

New Rochelle Campus Resources

Jamie Kopchynski - Title IX Coordinator
914-740-6773; jkopchynski@monroecollege.edu

Allison Hall 24/7 Security
914-740-6854

Bronx Campus Resources

Jeannette Makodila - Title IX Coordinator
646-393-8547; jmakodila@monroecollege.edu

King Hall 24/7 Security
646-393-8495

Dr. Karenann Carty - Senior Vice President
646-393-8772; kcarty@monroecollege.edu

Campus Confidential Resource

Senior Vice President
David Dimond - 914-740-6436
ddimond@monroecollege.edu

Off-Campus Resources

Westchester Hispanic Coalition:
Hotline: 1-844-926-6627

NYS Domestic and Sexual Violence:
Hotline: 1-800-942-6902

New York State Police:
Hotline: 1-844-845-7269

Bronx DA's Office, Crime Victims Assistance Unit
Sophie Walters,
College Campus Sexual Assault Coordinator
718-590-2115

WestCOP Victim Assistance Services
914-345-3113

If You See Something, **Say Something.**

A GUIDE TO MONROE COLLEGE CAMPUS POLICIES, PROCEDURES AND RESOURCES FOR SEXUAL MISCONDUCT

Acts of sexual offenses are harmful, illegal and strictly prohibited, and violate the Monroe College Code of Conduct.

MONROE COLLEGE

www.monroecollege.edu/title-IX

All students have the right to:

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

How to File a Complaint

Complaints may be filed with your campus Title IX Coordinator or the designated college official (see *Campus Resources*). You may also file a complaint online at <https://www.monroecollege.edu/Incident-Reporting-Form/>.

The Title IX Coordinator or Director of Public Safety can help you to file a complaint with local law enforcement. Monroe College recognizes that reporting an incident to the local police can seem scary. If you wish, the Title IX Coordinator can help you make a report to police or accompany you to speak with a police officer.

Reporting Rights

All reporting individuals (victims, survivors) have the right to:

- notify campus public safety officials, local law enforcement, and/or state police
- be assisted by campus authorities in notifying law enforcement if the victim chooses
- decline to notify such authorities
- report confidentially to the the Senior Vice President, David Dimond: 914-740-6436
- receive emergency access to a Title IX Coordinator or the Campus Confidential Resource listed

Preserving Physical Evidence

Victims of sexual violence are reminded of the importance of preserving evidence that may have tissue or fluid samples necessary for the proof of an offense. A victim should **NOT**:

- Shower or bathe, use the toilet, or brush teeth until you have been medically examined
- Discard clothing you were wearing at the time of the assault occurred.
- Discard sheets or towels that you came in contact with during the assault

You can go to the nearest hospital at anytime or call an organization from the *Off-Campus Resources* for help.

Affirmative Consent

Affirmative consent is defined as a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Drug and Alcohol Amnesty Policy

The health and safety of every student at Monroe College is of utmost importance. Monroe College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Monroe College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Monroe College's officials or law enforcement will not be subject to Monroe College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Non-Discrimination Policy

Monroe College does not discriminate and prohibits illegal discrimination, inclusive of harassment, against any individual on the basis of their 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, criminal conviction, familial status, or any other protected characteristic under federal or state law in any of its employment practices or educational programs or activities.

Bystander Intervention

A type of harassment intervention that encourages the community to pay attention and take action if they see someone is uncomfortable or in potential danger

The 4 D's of Bystander Intervention

1. **Direct** - Confront the harasser (i.e. ask the harasser to leave the victim alone)
2. **Distract** - Interrupt either party (i.e. ask the harasser or the victim for the time)
3. **Delegate** - Get help from others (i.e. alert a public safety officer)
4. **Delay** - Check in on the situation later (i.e. ask the victim if they are okay after the incident)

Confidentiality and Privacy

Confidentiality

Confidentiality can be provided when speaking with an individual who cannot share information to any other entity without the permission of the individual, unless required by law. Confidential on-campus resources are offered through the Counseling Center. Please see the full list of resources in the *Monroe College Resources and Services*.

Privacy

Monroe College Campus staff and faculty who cannot guarantee confidentiality will protect your privacy to the best of their ability. The information reported to a non-confidential resource will be relayed as necessary to the Title IX Coordinator for further investigation and/or to determine a solution.

Aside from the Confidential Resource, all college faculty and staff are required to refer reports to the Title IX Coordinator, but they will always treat the information with the utmost privacy in doing so. If you do not wish for a report to be referred to the Title IX Coordinator, you can speak with the on-campus Confidential Resource or with an off-campus confidential resource, such as the NYS Domestic Violence Hotline.