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## Goals for this session

- What is Title IX?
- Definitions
- How does Title IX protect students?
- Affirmative Consent
- Student Bill of Rights
- Amnesty Policy
- Reporting
- Local Resources/Services



**No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”**

**— Title IX, Education  
Amendments of 1972**

## What is Title IX?

Prohibits sexual and gender-based harassment, including sexual violence and all forms of sexual misconduct in educational programs which receive Federal dollars.

# Definitions

**Sexual violence:** a broad, non-legal term that encompasses a range of behaviors

**Sexual assault:** any act of violence in which sex is used as a weapon. At its most basic level, sexual assault refers to any form of nonconsensual sexual activity, which encompasses all unwanted sexual acts. Can carry a legal meaning.

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

## Tenets of Consent

Clear: everyone understands what's about to happen

Not coerced: no harm, intimidation, force, or threat to engage in sexual activity

Active: silence or lack of resistance doesn't demonstrate consent

Responsibility of the person initiating: seeking and receiving consent for each activity as part of a sexual encounter

Can be withdrawn: when consent is withdrawn, or can no longer be given, sexual activity must stop

Cannot be given by someone who is incapacitated: as a result of loss of consciousness, intoxication/substance use, being asleep, being involuntarily restrained, etc.

# Behaviors Prohibited Under Title IX

Sexual discrimination and harassment

Verbal

Physical

Electronic

Sexual violence

Rape

Sexual assault

Exploitation

Stalking

Cyberstalking

Intimate partner violence

Domestic violence

Dating violence

Relationship violence

Gender-based discrimination and harassment

Bullying/hazing

# How Does Title IX Protect Students?

John Borner  
Dean of Student Affairs  
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Oversees and provides leadership for Title IX activities. Some of the many responsibilities include:

- Disseminate and implement policies and procedures regarding Title IX

- Oversee training initiatives for the campus community

- Oversee initial investigations of complaints

- Serve as a resource for the community

- Legal system vs. Title IX process

- Amnesty Policy



Academic adjustments or accommodations;

Changes in academic schedules or courses;

Providing an academic leave of absence;

Changes in employment schedule or a leave of absence from employment;

Changing housing arrangements of victim or accused;

Preferential parking;

Assistance in obtaining an Order of Protection from a Court

Providing counseling/psychological services

## What are my rights as a student under Title IX/Enough is Enough?

- Having disclosures of domestic violence, dating violence, stalking, and sexual assault taken seriously.
- Reporting options, including to any law enforcement agency, to the college, or deciding not to report
- Protection from retaliation
- Receiving assistance and appropriate services from the college
- Having amnesty from violations of campus drug/alcohol policy violations occurring at or near the time of sexual violence
- Describe the incident to as few institutional representatives as practical
- Exercise civil rights and practice of religion without interference from the college or judicial process

## Amnesty Policy

Students who may have been under the influence of alcohol or other drugs at the time they experience or witness sexual misconduct, stalking, or dating violence are **protected** from consequences for that violation of the student code of conduct in order to allow reporting of the sexual misconduct without repercussion.

This also applies to bystanders making a good faith report of an incident who may be under the influence of drugs or alcohol.

# How do I make a campus report?

## How do I make a report?

First, speak to your Title IX Coordinator. He will guide you through the available resources You will complete a Report Form which will go to the Title IX Coordinator for review, follow up, and if necessary, investigation

**Sexual Assault Services through Planned Parenthood is a confidential resource\***

# College

	Criminal Justice System	College/University Process
<b>Goals</b>	Public safety, deterrence, punishment	Education, safety
<b>Governing Law</b>	NYS Penal Code, NYS Rules of Criminal Procedure, Federal Criminal Law, etc.	Title IX, Clery Act, NYS Education Law, specific college/university policies
<b>Who Investigates?</b>	Police or other law enforcement officials	Investigators employed or retained by the college
<b>Procedures</b>	See Governing Law. Procedures established by police depts., prosecutors' offices, etc.	College/university policies and bylaws, which generally incorporate requirements in Governing Law
<b>Standard of Evidence</b>	Beyond a Reasonable Doubt	Preponderance of the Evidence (more likely than not; "50% plus a feather")
<b>Possible Results</b>	Defendant may: -Plead guilty or no contest -Have the case dismissed on legal grounds -Be found guilty or not guilty by a judge or jury	In cases that don't involve sexual assault, mediation may be allowed. If a formal proceeding takes place, the respondent may be found "responsible" or "not responsible" for violations of the institution's rules
<b>Sanctions</b>	An individual found guilty may be fined, imprisoned, or both.	An individual found responsible may be given a range of sanctions, ranging from a warning to suspension or expulsion.

# Confidential Resources

- Campus Health Office: 518-562-4129
- NY Sexual Assault Hotline: 1-844-845-7269
- **Planned Parenthood 24/7 Sexual Assault Hotline: 1-877-212-2323**
- Planned Parenthood (Sexual Assault Services) Plattsburgh Office: 518-561-0605
- STOP Domestic Violence Hotline: 1-888-563-6904
- National Domestic Violence Hotline: 1-800-799-7233

# How does SAS serve our community?

Enough is Enough Program:

- Classroom programs

- Take Back the Night and other national campaigns

- Faculty training

- Tabling events

- Providing confidential services

Other services include:

- Free supportive counseling for victim/survivors

- Accompaniment to the hospital, law enforcement, etc.\*

- Assistance with OVS claims

- Information and referrals to other services as needed



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