

A Student Resource Guide on Sexual Violence:

Campus Policies, Procedures,
and Victim Services*



Colgate University

* This Resource Guide is intended to provide general guidance about Colgate University policies, procedures, and services. It is intended only to summarize this information, and is not intended as a complete recitation of the policies, procedures, and services it describes. All investigations, hearings and other processes and services are governed by the applicable policies, procedures, and service descriptions, as found at www.colgate.edu/sexualassault.

If you have experienced any form of sexual violence (sexual assault, dating or domestic violence, stalking)

You have the right to make a report to Campus Safety, local law enforcement, and/or state police or choose not to report; to report the incident to Colgate administrators; to be protected by Colgate from retaliation for reporting an incident; and to receive assistance and resources from Colgate.

- ▶ 1. Go to a safe location as soon as you are able, and seek medical attention as needed. You do NOT need to formally report the incident to seek medical attention or receive free support services from the university.

- ▶ 2. Contact any of the following for assistance:

- **Counseling and Psychological Services:** 315-228-7385. After hours, call Campus Safety at 315-228-7911 and ask to talk with the **counselor on call**. No further explanation is needed.
- **Student Health Services:** 315-228-7750. After hours and for emergencies, contact Campus Safety at 315-228-7911.
- **University Chaplains:** 315-228-7682 during business hours. Office location: garden level of the Chapel.

On-Campus Support and Reporting Resources (Non-confidential):

All the individuals listed below have received trauma-informed training to assist victims of sexual violence with care and compassion.

- **Campus Safety:** 315-228-7911. Campus Safety officers are trained in the impact of trauma and can assist victims of sexual violence, and provide free transportation for access to a Sexual Assault Nurse Examiner (SANE). Campus Safety officers can contact the on-call dean or counselor, and assist with a report to local or state police if you wish.
- **Administrative Deans:** 315-228-7368, 116 Gregory Hall. The **on-call dean**, available after hours by calling Campus Safety (315-228-7911), can contact medical/counseling personnel, and help with interim remedies like housing and academic deadlines.
- **Title IX Coordinator:** 315-228-7288 during business hours, 102 Lathrop. Marilyn “Lyn” Rugg (mrugg@colgate.edu) is able to receive complaints and to discuss the options available to you.
- **Equity Grievance Panel Members:** Trained faculty and staff are a source of advice and support to help you know your options (www.colgate.edu/egpmembers).
- **Online Report:** www.colgate.edu/concern. You may submit anonymously if you wish.

Off-Campus Resources:

Colgate strongly encourages reporting cases of criminal conduct to the local or New York State police.

- **Hamilton Police:** 315-824-3311 or 911.
- **New York State Police:** 315-366-6000.
- **New York State Domestic and Sexual Violence Hotline:** 800-942-6906.
- **Victims of Violence: Confidential** 24-hour sexual violence hotline: 315-366-5000.

- ▶ 3. It is important to preserve physical evidence, including tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. Sexual Assault Nurse Examiners (SANEs) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. It is best to avoid washing, bathing, urinating, etc. until after being examined by a SANE, if possible. Because evidence can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but certain evidence can be collected for some time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital may keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper or cloth (not plastic) bag. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint. The hospital will call the local sexual violence victim advocacy center so that a victim advocate is present to support you.
- ▶ 4. Choose how to proceed. You have options, and are encouraged to contact any of the resources listed above to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by the university; and/or 3) Initiate criminal proceedings; and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by Colgate, you should contact the Title IX Coordinator, an equity grievance panel member, or Campus Safety, who can take your report and explain the process for you. Those who wish incidents to be handled criminally should contact Campus Safety or State or local police; a campus official is available to accompany students in making such reports, if desired. Contact Campus Safety for more information (315-228-7911).

If you are a survivor, it doesn't matter what steps you took or did not take.
Remember that it is never your fault.
Seek help. Learn about your options. You are not alone.

About Confidentiality and Privacy

To make informed choices, all parties should be aware of confidentiality and privacy issues, as well as institutional mandatory reporting requirements.

Confidential Reporting

If reporting students wish that details of an incident be kept confidential, they should speak with counseling and psychological services staff, student health services staff, and/or one of the university chaplains. Local resources such as Victims of Violence are also confidential and have no duty to report your information to university officials.

- **Counseling Center:** 315-228-7385
- **Chaplain's Office:** 315-228-7682
- **Health Services:** 315-228-7750
- **VOV Hotline:** 315-366-5000

Mandated Reporting

All Colgate employees who are not designated above as confidential are expected to share any information they receive with the Title IX coordinator. Incidents of sexual misconduct will be taken seriously, and will be investigated and resolved in a prompt and equitable manner under the Equity Grievance Policy and process (www.colgate.edu/egpprocess).

You may request confidentiality and/or that the Title IX coordinator provide you with remedies and resources without initiating a formal resolution process. The coordinator will weigh such requests against the institutional need to address and remedy discrimination under Title IX. In most cases, the university will be able to respect your wishes, unless it believes there is a threat to the community, for example based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, the university will offer you available resources, support, and remedies. You are not obligated to pursue formal resolution in order to access the resources that are available. If the university decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the university to enforce its policies or provide some remedies may be limited as a result of your decision not to participate. There is no formal time limitation on the bringing of a complaint, as long as the accused individual is a member of the campus community and therefore subject to university policies. You may make a report, but take the time you need to decide whether you wish to file a formal complaint.

Even where a request for confidentiality cannot be granted, Colgate will maintain your privacy to the greatest extent possible. We appreciate how difficult it is to come forward, and we endeavor to treat survivors with the utmost care and compassion. The information you provide will be relayed only as necessary for the Title IX coordinator to investigate and/or seek a resolution and subject to other legal requirements.

Policy

Sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, dating and domestic violence, and stalking are violations of Colgate's Equity Grievance Policy and its Code of Student Conduct. A number of federal and state laws and regulations, including Title IX, the Violence Against Women Act, the Clery Act, and the NYS Enough Is Enough law mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of New York State criminal law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. The university's Equity Grievance Policy is intended to define expectations for appropriate conduct and outline resolution processes to address conduct that does not meet these expectations. Conduct that occurs off campus may violate this policy if the conduct creates a threatening or hostile environment on campus or within a Colgate program, or if the incident causes concern for safety or security of Colgate's campus community. For more details on this policy, please visit www.colgate.edu/egppolicy.

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report. Access it at <http://www.colgate.edu/offices-and-services/campussafety>.

You know what feels right.
You know when things don't feel right.
Trust yourself.

Sexual Misconduct Violations

The following are the definitions of conduct prohibited by the Equity Grievance Policy.

Sexual Harassment

Sexual harassment is unwelcome verbal, written, online, and/or physical conduct that is sexual in nature. A hostile environment is created when the offensive behavior reaches a level of severity or pervasiveness such that it interferes with an individual's ability to participate in the university's programs (i.e., to work and to learn) when judged against a reasonable person standard. Colgate also prohibits "quid pro quo" sexual harassment, which means "this for that" harassment. It is a violation of this policy for any person to condition any benefit (such as a grade in a class, a research opportunity, a promotion, etc.) on submission to sexual activity.

Sanctions range from warning through expulsion/termination.

Non-consensual Sexual Contact

Non-consensual sexual contact is any intentional touching, however slight, for sexual gratification or with sexual intent, of the private body parts of another person without affirmative consent. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing. This may include forcing or causing another without affirmative consent to touch one's own private body parts.

Sanctions range from warning through expulsion/termination.

Non-consensual Sexual Intercourse

Non-consensual sexual intercourse 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, forcibly or without affirmative consent or where the victim is incapable of affirmative consent due to mental or physical incapacity. This type of sexual assault also includes non-forceful sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

Sanctions typically result in suspension or expulsion/ termination.

Sexual Exploitation

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another. Examples of sexual exploitation include but are not limited to observing or recording others engaged in sexual or private activity (such as undressing or showering) without the consent of all involved; or taking intimate pictures of another but then distributing the pictures to others without the photographed person's consent or in a way that exceeds the bounds of consent; or exposing one's genitals in non-consensual circumstances; or engaging in sexual activity with another while knowingly infected with a sexually transmitted disease (STD) without informing the other person of such infection.

Sanctions range from warning through expulsion/termination.

Dating Violence

Dating violence is violent behavior (including, but not limited to, sexual or physical abuse or the threat of such abuse) that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. This can include behavior such as coercion, isolation or other forms of emotional, verbal or economic abuse if it reflects a threat of sexual or physical abuse as described above.

Sanctions range from warning through expulsion/termination.

Domestic Violence

Domestic violence is violent behavior (including, but not limited to, sexual or physical abuse or the threat of such abuse) between spouses, former spouses or intimate partners, cohabitating romantic partners or individuals who were formerly cohabitating romantic partners, individuals who share a child in common, individuals who are similarly situated to spouses and/or individuals who are protected from the other person's acts under the domestic or family violence laws of the jurisdiction in which the act of violence occurs.

Sanctions range from warning through expulsion/termination.

Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress. Stalking behavior may include but is not limited to repeated, intentional following, observing or lying in wait for another; or using "spyware" or other electronic means to gain impermissible access to a person's private information; repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; damaging or threatening to damage the property of the targeted individual.

Sanctions range from warning through expulsion/termination.

Gender-based Discrimination

Gender-based discrimination is any act that disadvantages a person and that occurs because of the affected individual's sex or gender identity and expression.

Sanctions range from warning through expulsion/termination.

Retaliation

Retaliation is any adverse action taken against a person for participating in a protected activity, any adverse action taken against an individual for reporting a complaint or concern about a violation or suspected violation of this policy, for supporting a reporting individual, or for assisting in providing information in the context of an investigation or disciplinary proceeding.

Sanctions range from warning through expulsion/termination.

Affirmative Consent

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.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to take reasonable steps to ensure that the other has consented before engaging in the activity.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).

A current or previous dating relationship is not sufficient to constitute consent.

Previous consent to engage in sexual activity does not imply consent to sexual activity in the future.

Consent cannot be given as result of coercion, intimidation, force, or threat of harm.

To legally give consent in New York individuals must be at least 17 years old.

Incapacitation

A person cannot consent if that individual is incapacitated. Incapacitation is defined as a state where someone lacks the ability to knowingly choose to participate in a specific activity.

Incapacity may be caused by the lack of consciousness, sleep, involuntary restraint, or other factors that prevent voluntary choice. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated Colgate's EGP policy.

Consent is required regardless of whether or not the initiator is under the influence of alcohol or other drugs.

It is not an excuse that the person initiating the sexual activity was intoxicated or incapacitated due to alcohol or other drugs and, therefore, did not realize the incapacity of the other.

Being under the influence of alcohol or other drugs is not an excuse for sexual assault. The person initiating sexual activity is always responsible.

The fact that an individual voluntarily drinks until a state of incapacitation is reached, and is therefore responsible for their own incapacity, does not give another person the right to sexually assault the incapacitated individual. Whether an individual self-incapacitates or not is irrelevant. The question under Colgate policy is whether the individual was incapacitated and thus unable to consent, not how the individual became incapacitated.

Amnesty

The health and safety of every student at Colgate is of utmost importance. Colgate 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. Colgate 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 Colgate's officials or law enforcement will not be subject to Colgate'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.

Your Rights

Colgate strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options.

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 Colgate.
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 Colgate, any student, the accused and/or the responding individual, and/or their friends, family, and acquaintances within the jurisdiction of the university.
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 responding individual throughout the judicial or conduct process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of Colgate.
12. Be treated with respect by university officials.
13. Experience a safe living, educational, and work environment.
14. Refuse to have an allegation resolved through conflict resolution procedures.
15. Have the reporting party receive amnesty for minor student misconduct (such as minor alcohol violations) that is ancillary to the incident.
16. Attend in person or via speakerphone or videoconference any hearing and to be shielded, to the extent practicable, from the other party during the hearing if so desired.
17. Receive written notification of the outcome/resolution of the complaint, including a statement detailing the factual findings and the rationale for the determination and for the sanction imposed.

Interim Remedies

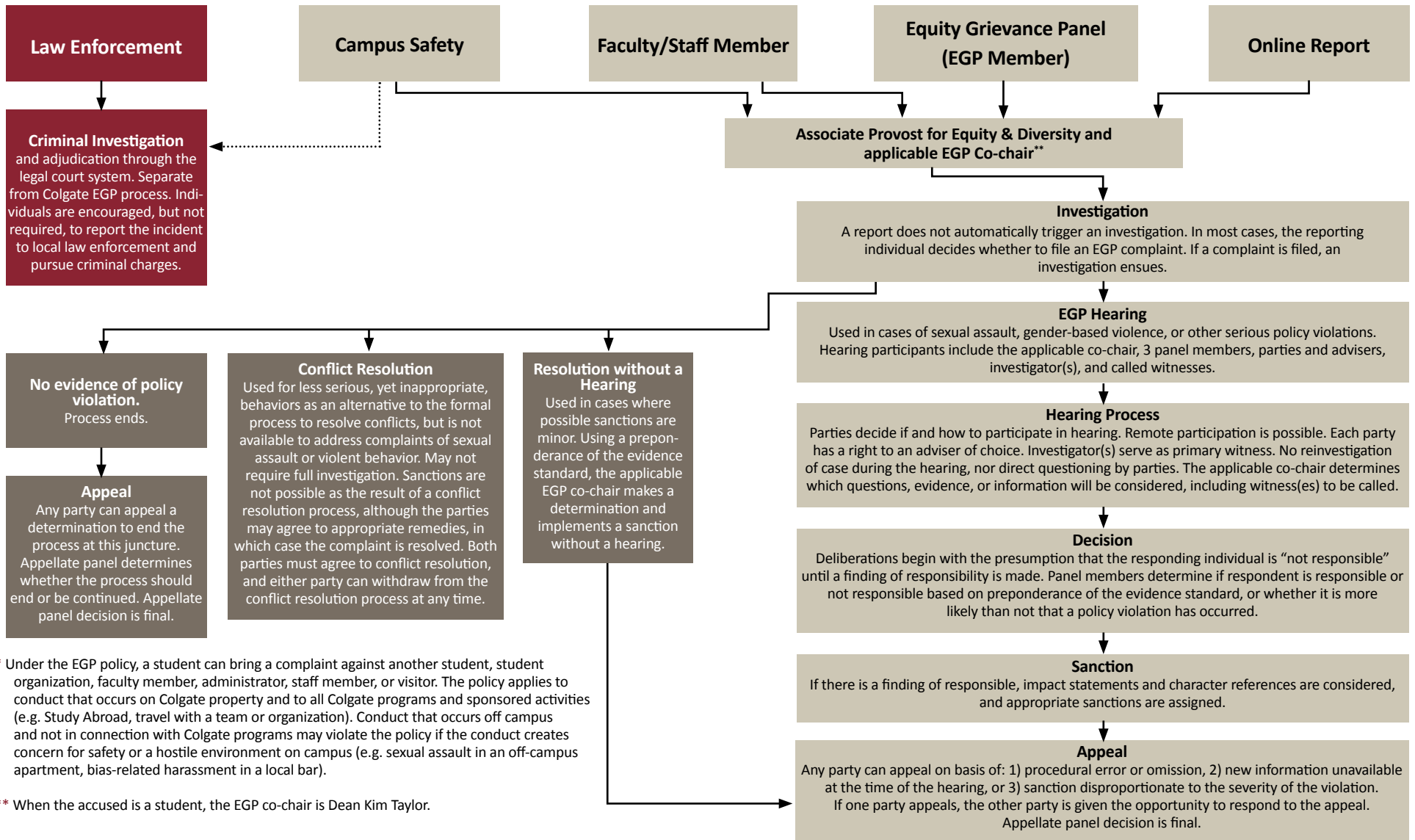
Colgate may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the campus community safe from further harm. Initial or interim remedies may be taken, in appropriate circumstances, to protect the safety or well-being of any member(s) of the campus community. Initial or interim remedies are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, domestic violence, dating violence, stalking, retaliation, or to prevent further harm to the alleged victim and to prevent further violations. These remedies may include:

- referral to counseling and health services
- providing education to the community
- altering the housing situation of one or more of the involved students
- altering work arrangements for employees
- providing campus escorts
- implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

In circumstances where the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the university may, for the interim, suspend a student, employee (with or without pay), or organization pending completion of the EGP investigation and procedures. Both parties will, upon request, be afforded the opportunity for a prompt review of the need for interim or accommodative measures, including the potential modification of these measures.

Colgate's Equity Grievance (EGP)* Process

EGP covers complaints by or against students, faculty, and staff members. If you wish to report any form of harassment or discrimination, including sexual harassment, sexual assault, gender-based violence, a bias-related concern, or a hate crime, you may make initial contact in any of the following ways.



Risk Reduction

Risk reduction for intimate partner violence, stalking, sexual harassment, and sexual violence

While victim blaming is never appropriate and Colgate fully recognizes that only those who commit sexual misconduct are responsible for their actions, these suggestions may help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

Reducing the Risk of Committing Acts of Sexual Misconduct

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- If you want a “yes,” ask for it, and don’t proceed without clear permission. If a potential partner says “no,” accept it and don’t push.
- Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what’s OK in any interaction, ask.
- Avoid ambiguity. Don’t make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
- Don’t take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others’ loss of control does not put you in control.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Recognize that even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you hold.
- Do not assume that someone’s silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

Reducing the Risk of Victimization

- Make known as early as possible any limits/boundaries you may have.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor’s physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices.

Bystander Intervention

Bystander Intervention is a strategy to prevent various types of violence, including bullying, sexual harassment and assault, and intimate partner violence. Grouped together, we call these behaviors “gender-based violence.” The Bystander Intervention training is a two-hour interactive program developed and led by student facilitators. It includes videos, discussion of the definition of consent, facts about how Colgate can help student survivors of sexual assault and/or harassment, and a long section on how to identify dangerous situations and intervene safely and effectively.

The Network

The Network is a student sexual assault and domestic violence awareness group organized by the COVE. The group hosts weekly meetings that discuss upcoming events and current issues, and organizes annual events like Take Back The Night and Speak Out. The Network partners with Victims of Violence for Madison County where students are trained to answer a sexual assault and domestic abuse hotline.

One Love

One Love’s Escalation Workshop is a powerful, peer-led program that illuminates the warning signs of an unhealthy and potentially dangerous relationship. Repeatedly described as “eye-opening” yet “deeply recognizable,” Escalation makes relationship abuse personal, causing participants to ask, “What can I do to change this?”

Yes Means Yes

Yes Means Yes is a six-week positive sexuality seminar led by student, faculty, and staff facilitators. Created by a student in 2009, Yes Means Yes gives students the unique opportunity to gather with people from across campus to engage in honest discussion.

The seminar covers topics of positive sexuality in an attempt to de-stigmatize and encourage conversation about sex, pleasure, a healthy sexual climate on campus, combating sexual violence, the way different identities interact with sex and sexuality, and more.

How to Help a Friend

Survivors of sexual assault are more likely to tell a friend about the assault than anyone else. While fewer than five percent of sexual assaults of college students are reported, two-thirds of survivors tell a friend about the incident. When a friend confides in you, you may want to help but not know what to do. You are likely to be emotionally shaken and find yourself struggling with your own feelings of anger and helplessness. It is very difficult for survivors to come forward and share their story, and your reaction may impact whether or not your friend chooses to continue to share this information with others and seek further help.

What you can do:

- Believe your friend.
- Be a good listener.
- Validate your friend's feelings.
- Assure your friend that it is not their fault.
- Do not make judgmental comments.
- Discuss their options with them.
- Help them to get the support they need.
- Give your friend control.
- Offer ongoing support.
- Respect your friend's privacy and confidentiality.
- Do not forget to take care of yourself.

Colgate University

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