

Students' Bill of Rights

The State University of New York and SUNY Cobleskill are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College/University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, 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, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

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 free by pressure from the institution;
4. Participate in a process that is fair, impartial, and provide 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 to 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 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.

Anyone Can Make a Report

You have the right to make a report to university police, 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.

Even SUNY Cobleskill offices 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.

Affirmative 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. Affirmative consent is required by law on college campuses in New York State.

Additional Considerations:

- a. 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.
- b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c. Consent may be initially given but withdrawn at any time.
- d. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. 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.
- e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f. When consent is withdrawn or can no longer be given, sexual activity must stop.

Safety Tips

- When you first date someone, check them out with friends.
- Plan to meet someplace where there are other people and always let someone else know who you are with and where you are going.
- Remember drugs and alcohol decreases your ability to take care of yourself and make sensible decisions.
- Be prepared to find your own transportation home. Always have your cell phone.
- Clearly and firmly let your date know your limits before you get into a situation you can't control.
- Trust your instincts. If you feel uneasy, get to where there are other people or tell your date to leave. Be assertive.

Sexual Discrimination and Violence Prevention and Resources



Sexual Discrimination

Sex discrimination includes all forms of sexual harassment, sexual assault and sexual violence by employees, students or third parties. Students, college employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the college campus and whether or not the incidents occur during work.

The SUNY Cobleskill community has a zero tolerance policy for sexual harassment. Members of the community who commit these acts may be subject to severe sanctions through the campus judicial system such as suspension or dismissal from college. Additionally, the accused could face criminal charges in a court of law.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that is sufficiently severe, persistent or pervasive that unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from a program or activity.

Examples include:

- Verbal or written: comments about clothing, personal behavior, or a person's body; sexual or sex-based jokes; requesting sexual favors or repeatedly asking a person out; sexual innuendoes; telling rumors about a person's personal or sexual life; threatening a person.
- Physical/ Assault: impeding or blocking movement; inappropriate touching of a person or a person's clothing; unwelcomed kissing, hugging, patting, stroking or touching.
- Nonverbal: Looking up and down a person's body; derogatory gestures or facial expressions of a sexual nature; following a person.
- Visual: Posters, drawings, pictures, screensavers, on-line postings or e-mails of a sexual nature.
- Stalking: Engaging in a course of conduct such as following, monitoring or surveillance of a specific person in a way that would cause a reasonable person to fear for his or her safety or the safety of others or causes that person to suffer substantial emotional distress.

For additional information and resources:

www.cobleskill.edu/titleix

Sexual Exploitation

Nonconsensual, abusive sexual behavior that does not otherwise constitute sexual assault, or sexual harassment.

Examples include but are not limited to:

- Intentional, nonconsensual tampering with or removal of condoms, or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party.
- Nonconsensual video or audio taping of sexual activity.
- Allowing others to watch consensual or nonconsensual sexual activity without consent.
- Observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent.
- Inducing incapacitation with the intent to sexually assault another person.

Title IX - Federal Non-discrimination Law

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.

The College has a duty to promptly respond to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its reoccurrence.

The Title IX Coordinator's responsibilities include overseeing all complaints of sex discrimination and identifying and addressing any patterns. The Title IX coordinator can help accommodate victims with actions such as modifying residential accommodations, class schedules, or other assistance. The Title IX Coordinator can also provide referrals for additional options and resources.

Amnesty

The health and safety of every student as the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Cobleskill 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. SUNY Cobleskill strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to SUNY Cobleskill's officials or law enforcement will not be subject to SUNY Cobleskill'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.

Options and Resources

If you or someone you know has been a victim of sexual discrimination or violence, YOU ARE NOT ALONE. Seek help immediately!

On Campus

- University Police "911" 518-255-5317
- Beard Wellness Center Counseling and Health Services 518-255-5225
- Title IX Coordinator 518-255-5465
- Office of Student Conduct and Veterans Affairs 518-255-5215
- Residential Life 518-255-5215

Off Campus

- Sexual Assault Support Services 518-234-4844 - Office 518-234-4949 - 24 hour hotline
- Domestic Violence 24 Hour Hotline 518-234-2231
- Planned Parenthood 518-234-3325
- Bassett Hospital Emergency Department 518-254-3300
- Cobleskill Police Department 518-234-2111 or "911"
- State Police Department 518-234-3131 or "911"
- Schoharie County Sheriff's Department 518-295-8114

External Organizations

- NY State Division of Human Rights 518-474-2705
- NY State Office for Civil Rights 718-488-3550



TITLE IX