

The health and safety of every student

at Concordia College is of utmost importance. Concordia 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.

Concordia strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College 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 Concordia's officials or law enforcement will not be subject to Concordia's Student 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.

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.

RISK REDUCTION & BYSTANDER INTERVENTION

1. Take affirmative responsibility for your alcohol and drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
2. 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.
3. Remove yourself, if possible, from an aggressor's physical presence.
4. 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.

Bystander intervention means taking safe and positive action to prevent harm when there is a risk of dating violence, domestic violence, sexual assault or stalking.

SEXUAL MISCONDUCT VIOLATIONS

THE FOLLOWING ARE DEFINITIONS OF CONDUCT PROHIBITED BY THE SEXUAL MISCONDUCT/TITLE IX POLICY

DATING VIOLENCE is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. 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.
2. For the purposes of this definition
 - *Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and*
 - *Dating violence does not include acts covered under the definition of domestic violence.*

DOMESTIC VIOLENCE is 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; and
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

SEXUAL ASSAULT is 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.

1. **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.
2. **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.
3. **INCEST** is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **STATUTORY RAPE** is nonforcible 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. 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:

1. Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
2. 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).
3. Prostitution.
4. 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 i) unwelcome, sexual or gender-based verbal, written or physical conduct; ii) that is, sufficiently severe, persistent or pervasive that it; iii) 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

1. 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; and
2. for the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

HOW TO FILE A COMPLAINT

Complaints may be filed with the Title IX Coordinator, or designated staff (see section titled Campus Resources) or online at: <https://cm.maxient.com/reportingform.php?ConcordiaCollegeNY>

All sexual discrimination, harassment and misconduct complaints made to mandatory reporters will be reported to the Title IX Coordinator. Mandatory reporters are all employees of the College except the confidential sources listed on the "Campus Resources" section.

The Title IX Coordinator or Director of Security can assist you in filing a complaint with the police. The College encourages all members of our community who are victims of sexual misconduct to report the incident to the Bronxville Police Department.

COMMUNITY RESOURCES

RAPE HELPLINE(s)

914-345-9111 or 800-656-HOPE (4673)

SAAVE, SEXUAL ASSAULT, ABUSE AND VICTIMS EMPOWERMENT PROGRAM

833-220-2444

BRONXVILLE POLICE DEPARTMENT

200 Pondfield Road, Bronxville, NY 10708
914-337-0500

NY STATE POLICE HOTLINE

844-845-7269

NY STATE DOMESTIC AND SEXUAL VIOLENCE HOTLINE

800-942-6906 or 800-799-SAFE (7233)

NY-PRESBYTERIAN/LAWRENCE HOSPITAL

55 Palmer Avenue, Bronxville, NY 10708
914-787-1000 (24 hours a day, 7 days a week)

LUTHERAN COUNSELING CENTER

172 White Plains Road, Bronxville, NY 10708
800-317-1173 or 516-741-0994

Students' Bill of Rights

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 College.
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 College 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 College representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by the College, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the College.
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.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

CONFIDENTIALITY

Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to College officials, and include licensed mental health counselors, medical providers and pastoral counselors. Individuals seeking to talk to someone about an incident of sexual misconduct in a confidential manner may utilize the confidential resources listed in the *Campus and Community Resources* sections of this brochure. **Their service is free of charge.**

PRIVACY

Even Concordia College 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.

MANDATORY REPORTING

All College employees who are not confidential resources are mandated reporters for all the details of which they are aware about an incident. The mandated reporters share this information with the Title IX Coordinator. Giving a mandated reporter notice of an incident constitutes official notice to the College.

CAMPUS RESOURCES

Call 914-337-9300 to be prompted for extension

DR. NEREIDA QUILES-WASSERMAN

Title IX Coordinator, x2134
Nereida.Quiles@concordia-ny.edu

TERRY VIDAL

Deputy Title IX Coordinator, x2116
Terry.Vidal@concordia-ny.edu

KATHY M. LAOUTARIS

Deputy Title IX Coordinator, x2442
Kathy.Laoutaris@concordia-ny.edu

MICHELLE TIMOL

Deputy Title IX Coordinator, x2151
Michelle.Timol@concordia-ny.edu

DR. WILLIAM SALVA

Dean of Adult Education and Dean of Business, x4602
Bill.Salva@concordia-ny.edu

JOSEPH CASTALDO

Director of Security, x2300
Joseph.Castaldo@concordia-ny.edu

GARY VEGA

Manager of International Student Operations, x2106
Gary.Vega@concordia-ny.edu

CONFIDENTIAL RESOURCES

SUSAN CRANE, RN

Director of Health Services, x2243
Susan.Crane@concordia-ny.edu

REV. DR. JOSHUA HOLLMANN

x2289 | Joshua.Hollmann@concordia-ny.edu

CONCORDIA COLLEGE NEW YORK

171 White Plains Road, Bronxville, NY 10708 | concordia-ny.edu

A RESOURCE GUIDE

ON SEXUAL MISCONDUCT POLICY & PROCEDURES

CONCORDIA COLLEGE NEW YORK



POLICY

SEXUAL MISCONDUCT OF ANY FORM IS A VIOLATION OF A PERSON'S RIGHTS, DIGNITY AND INTEGRITY.

An act of sexual misconduct represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of sexual misconduct are harmful, illegal and prohibited at Concordia College. Such acts are contrary to the mission and values of the Concordia College community and violate the College's Sexual Misconduct/Title IX Policy.

A number of Federal laws and regulations, including Title IX, The Violence Against Women's Act, the Clery Act, and New York State Enough is Enough Law mandate how institutions respond to allegations of sexual misconduct.

Concordia College prohibits discrimination, harassment, and sexual misconduct, including but not limited to, the crimes of dating violence, domestic violence, sexual assault and stalking, in connection with any of its educational programs, activities or employment practices. The College will offer resources to any victims and survivors of such violence or misconduct. The College will also take administrative action regarding any accused individual within the jurisdiction of the College.

PRESERVATION OF EVIDENCE

When reporting to authorities it is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc.

- Save all clothing you had on at the time of the assault;
- Save any sheets, blankets or towels you came in contact with during or after the assault;
- Try not to rinse your mouth or brush your teeth;
- Try not to go to the bathroom;
- Try not to bathe, wash, shower or douche until you have been seen by medical professionals;
- You can go directly to New York-Presbyterian/Lawrence Hospital any time, day or night, or call the organizations listed in the Community Resources' section of this pamphlet).
- Speak to someone you trust

A REPORTING INDIVIDUAL'S RIGHTS

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

- notify university police or campus security, local law enforcement, and/or state police;
- be assisted by campus authorities in notifying law enforcement if victim chooses;
- decline to notify such authorities

All reporting individuals have a right to emergency access to a Title IX Coordinator or other appropriate official, listed in this pamphlet.

Right to report confidentially to institutional offices and representatives, which include Susan Crane, RN, Director of Health Services (914.337.9300 x2243), or Rev. Dr. Joshua Hollmann (x2289).

For more information about what it means to report confidentially, see the confidentiality definition provided in this pamphlet.