

Title IX Education for Students, Faculty, and Staff

Samaritan Hospital School of Nursing
and St. Peter's Hospital College of
Nursing

Purpose of sexual violence prevention and response, Title IX

- Samaritan Hospital School of Nursing and St. Peter's Hospital College of Nursing (referred to as SHSON/SPHCON) are committed to maintaining a healthy and safe learning, living, educational, and working environment that is free from gender discrimination, harassment, and creates an environment that promotes responsibility, dignity, and respect in matters of sexual conduct.
- SHSON/SPHCON's policy is designed to address conduct that falls within the Title IX Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Campus Sexual Violence Elimination Act (SaVE Act), and NYS Education Law Sections 6432 and 6439-6449.
- Title IX prohibits discrimination, harassment, and retaliation of any kind on the basis of sex. Title IX also prohibits Violence Against Women Act Offenses ("Sexual and Interpersonal Offenses") such as sexual assault, sexual misconduct, sexual violence, dating violence, and stalking. Any person, regardless of gender can be a victim/survivor of a Title IX violation.
- SHSON/SPHCON's policy applies to conduct that occurs and actions committed by students, faculty, staff, or third parties against a person in the United States, whenever the conduct or action occurs:
 - On SHSON/SPHCON campus property. SHSON/SPHCON's campus is defined as any property owned and operated by the governing organization, St. Peter's Health Partners; or
 - Off SHSON/SPHCON campus property. If the conduct was in connection with SHSON/SPHCON or a SHSON/SPHCON recognized program or activity which includes locations, events, or circumstances over which SHSON/SPHCON exercised substantial control over both the person accused or the conduct and the context in which the sexual harassment occurred.

New York State (NYS) Consolidated Laws, Education Law Student's Bill of Rights

- ***All students have the right to:***
- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make decisions about whether or not to disclose a crime or violation and participate in a judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- 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;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- 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;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a complainant, reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigation, criminal justice, or judicial or conduct process of the institution.

Title IX Coordinator/Investigator

Individual who ensures the campus community is aware of legal rights under Title IX

- Ensures the campus community complies with Title IX policies, procedures, and regulations;
- Provides education, training, and programming to the campus community;
- Takes immediate action to all reports of sexual discrimination, sexual harassment, sexual assault, dating violence, domestic violence, and stalking that are reported to non-confidential resources;
- Ensures that both the complainant and respondent know their options and get help, resources, and services they need;
- Conducts fair, equitable, and unbiased investigations while serving as a neutral fact finder for both the complainant and the respondent; and
- Responsible under the law for tracking patterns and spotting systemic issues.

Definitions:

- **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment, irrespective of whether a formal complaint has been filed.
- **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Bystander:** A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.
- **Code of Conduct:** The written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

**For the full list of definitions, please see:
SHSON/SPHCON: Sexual Violence Prevention and Response,
Title IX Policy**

[sexual-violence-prevention-respons-title-ix.pdf \(sphp.com\)](#)

Examples of Sexual Harassment:

- making sexual suggestions or pressuring students for sexual favors;
- touching of a sexual nature;
- writing graffiti of a sexual nature;
- displaying or distributing sexually explicit drawings, pictures, or written materials;
- performing sexual gestures or touching oneself sexually in front of others;
- telling sexual or dirty jokes;
- spreading sexual rumors or rating other students as to sexual activity or performance; or
- circulating or showing e-mails or Web sites of a sexual nature.

Sexual Assault

- The term “sexual assault” is not used in the New York State penal code. Instead, NYS law uses the terms “rape,” “fondling,” “incest,” and “statutory rape,” which meet the federal definition of sexual assault as used in the Federal Bureau of Investigation’s Uniform Crime Reporting program

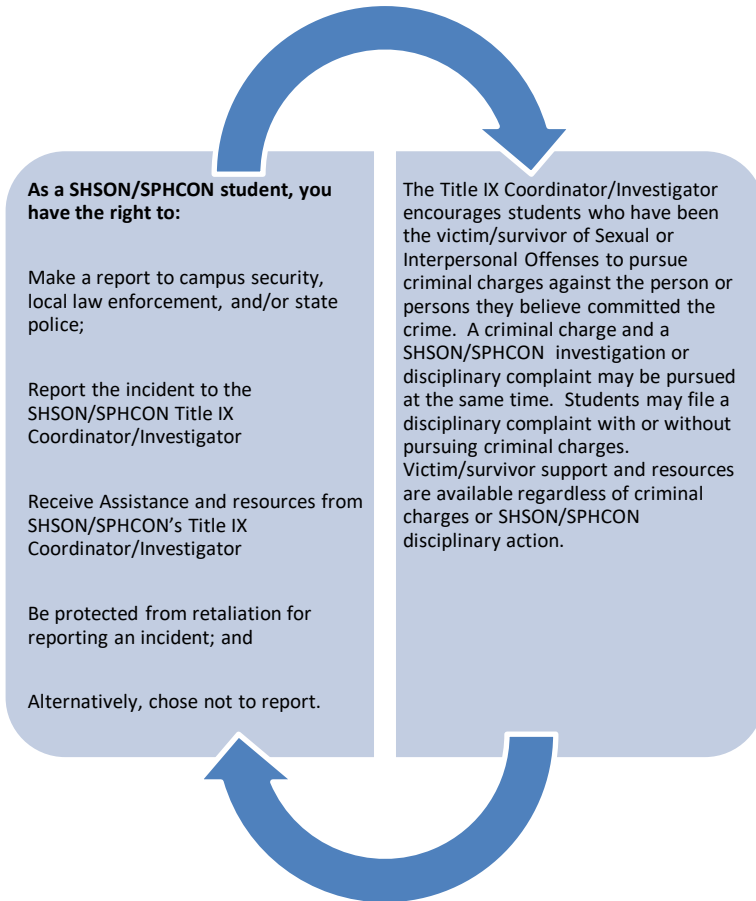
Domestic Violence:

Under New York law domestic violence is an act which would constitute a violation of the penal law including, but not limited to (and is committed by a family member):

- disorderly conduct
 - harassment
 - aggravated harassment
 - sexual misconduct
 - forcible touching
 - sexual abuse, stalking,
 - criminal mischief
 - menacing
 - reckless endangerment
 - kidnapping
 - assault
 - attempted murder
 - criminal obstruction or breaching of blood circulation
 - strangulation
 - creates a substantial risk of physical or emotional harm to a person or a person's child
- Dating violence is not specifically defined in NYS law. However, intimate relationships are covered by the definition of domestic violence when the act constitutes a listed crime and is committed by a person in an “intimate relationship” with the victim.
- The victim can be anyone over the age of sixteen, any married person, or parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

HOW TO REPORT

YOUR VOICE
YOUR STORY



Alcohol and/or other drug use amnesty in sexual and interpersonal violence cases

- The health and safety of every student at SHSON/SPHCON is of utmost importance. SHSON/SPHCON 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. SHSON/SPHCON students will be afforded amnesty if they report an incident of sexual assault, domestic violence, dating violence, or stalking even if they have been drinking or using drugs.
- 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 SHSON/SPHCON officials or law enforcement will not be subject to SHSON/SPHCON's Code of Conduct action 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.

To Best Preserve Evidence:

- Avoid showering, washing, change clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical examination has been completed.
- Within 96 hours of an assault, you can receive a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases insurance may be billed for services.
- You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services.

Confidential Reporting:

May be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to:

- **Licensed mental health counselors**
- **Medical providers**
- **Pastoral care**

SERVICES

- Publicly available services through which a confidential report may be made, see: <https://ovs.ny.gov/locate-program>. Additional disclosure and assistance options are catalogued by the Office for Prevention of Domestic Violence (may be available in several languages). Please note, that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to SHSON/SPHCON.

Other Confidential Resources:

- NYS Office for the Prevention of Domestic Violence: 518-457-5800 or <http://www.opdv.ny.gov>
- NYS Coalition Against Sexual Assault: 518-483-4222 or <http://nyscasa.org/>
- The Albany County Crime Victim and Sexual Violence Center: 518-447-7716 or <https://www.albanycounty.com/departments/crime-victim-and-sexual-violence-center>
- Unity House of Troy: 518-274-2607 or <http://www.unityhouseny.org>
- Equinox: 518-434-6135 or <http://www.equinoxinc.org>

Private (Non-Confidential) Disclosure:

May be offered by an individual when such individual is unable to offer confidentiality under the law but shall not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with applicable laws, including information appropriate institution officials. Incidents related to Title IX are to be reported to the Title IX Coordinator/Investigator and/or St. Joseph's Health Safety and Security who can offer privacy and assist in obtaining resources.

Private Non-Confidential Reporting:

To report an incident to one of the following college officials who can offer privacy and can assist in obtaining resources, please contact one of the following offices:

Kristen
Parillo

- Title IX Coordinator/Investigator
- 315-869-1131

SPHP
Security

- SHSON 518-268-5304
- SPHCON 518-525-1522

Responsibilities of Faculty, Staff, and other Non-Confidential SJCON Employees Following Receipt of a Report:

- SHSON/SPHCON recognizes that complainants may be most comfortable disclosing sexual violence and other prohibited conduct to a SHSON/SPHCON member they know well, such as faculty or staff. These “non-confidential” employees will protect and respect a complainant’s privacy to the greatest extent possible and share information on a need-to-know basis; however, they cannot serve as a confidential resource.
- Any SHSON/SPHCON employee who receives a report about conduct prohibited by this policy involving a student is required to inform the Title IX Coordinator/Investigator about the incident. Information about sexual harassment that a student includes in a classroom assignment is considered a report and must be shared with the Title IX Coordinator/Investigator. These reporting requirements aim to ensure that all potential complaints are provided with appropriate resources and supportive measures, even if they do not wish to pursue a formal complaint.

Anonymous Reporting:

Individuals wishing to file an anonymous report of sexual assault, domestic violence, dating violence, and/or stalking may use the link provided.

The Title IX Coordinator/Investigator will review the report and proceed with an investigation accordingly.

<https://www.surveymonkey.com/r/anonresponse>

Questions/Concerns



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