



SEXUAL VIOLENCE AND HARASSMENT POLICY

SEXUAL VIOLENCE AND HARASSMENT POLICY	1
TITLE IX AND ARTICLE 129B POLICY STATEMENT	1
DEFINITIONS	1
LONG ISLAND UNIVERSITY STUDENTS' BILL OF RIGHTS	3
SCOPE OF THE POLICY	4
REPORTING & CONFIDENTIALITY OBLIGATIONS OF UNIVERSITY FACULTY AND STAFF	4
OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT	4
IMMEDIATE ASSISTANCE	4
ANONYMOUS REPORTING	6
REPORTING TO THE FEDERAL AND NEW YORK STATE GOVERNMENTS	6
ONGOING ASSISTANCE	7
COUNSELING, ADVOCACY, AND SUPPORT – ON AND OFF CAMPUS	7
ACADEMIC ACCOMMODATIONS AND INTERIM MEASURES	7
TITLE IX COORDINATOR	7
INVESTIGATIONS	8
REMEDIES, INCLUDING INTERIM MEASURES	8
MONITORING AND ADVISING	8
REPORTING POLICIES AND PROTOCOLS	9
AMNESTY FOR REPORTING INCIDENTS OF SEXUAL VIOLENCE	9
TITLE IX INVESTIGATION PROCEDURES AND PROTOCOLS	9
OPTIONS FOR REPORTING AND CONFIDENTIALLY DISCLOSING SEXUAL MISCONDUCT	10
PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS: PROFESSIONAL AND PASTORAL COUNSELORS	11
REPORTING TO “RESPONSIBLE EMPLOYEES.”	11
REQUESTING CONFIDENTIALITY FROM THE UNIVERSITY: HOW THE UNIVERSITY WILL WEIGH THE REQUEST AND RESPOND.	12
STUDENT CONDUCT RECORDS RETENTION POLICY	14
TRANSCRIPT NOTATIONS	14
PREVENTION AND EDUCATION	14
TRAINING	14
CAMPUS SEX CRIMES PREVENTION ACT	15

SEXUAL VIOLENCE AND HARASSMENT POLICY

Long Island University is committed to creating and maintaining an educational environment free from all forms of sexual misconduct. The broad term “sexual misconduct” includes, but is not limited to, acts of sexual harassment, domestic violence, dating violence, sexual assault, and stalking. Such behaviors are illegal, against University policy, and strictly prohibited. This policy is incorporated into the Student Code of Conduct.

This policy covers all members of the University community – students, faculty and staff – as well as those who interact with members of the University community such as vendors or visitors. The University encourages everyone to report all incidents of violations of this policy regardless of who the offender may be.

Title IX and Article 129B Policy Statement

It is the policy of the University to comply with Title IX of the Education Amendments of 1972, and Article 129B of the New York Educational Law, both of which prohibit discrimination on the basis of sex (including sexual harassment and sexual violence) in the University’s educational programs and activities, and prohibit retaliation for asserting or otherwise participating in claims of sex discrimination.

Title IX states that:

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 full text of Article 129B is available here: <http://open.nysenate.gov/legislation/bill/S5965-2015>

Definitions

The following definitions apply to this Policy:

Affirmative Consent

The University’s Code of Conduct contains the following definition of 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.

- 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.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- 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.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

Bystander

A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of LIU rules or policies.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Reporting Individual

Encompasses the term victim, survivor, complainant, claimant, witness with victim status, and any other reference to an individual who brings forth a complaint under this policy.

Respondent

A person accused of a violation who has entered LIU's judicial or conduct process (i.e. LIU's investigation process under this Policy.)

Sexual Act

Contact between the penis and the vulva or the penis and the anus, and for the purposes of this subparagraph, contact involving the penis occurs upon any penetration, however slight; contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus; or penetration however slight of the anal or genital opening of another by a hand or finger or by any object, with the intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

Sexual Assault

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, rape, fondling, incest, or statutory rape.

Sexual Contact

The intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual Discrimination

Behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex. This includes but is not limited to sexual harassment, sexual assault, sexual violence by employees, students, or third parties.

Sexual Harassment

Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the educational institution's program.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (a) suffer substantial emotional distress.

Long Island University Students' Bill of Rights

Long Island University is committed to ensuring that all persons who report an incident of sexual misconduct are provided all options, support, and assistance.

Anyone who has been a victim of, or who has witnessed an incident of, a violation of this policy can file a report to any of the following entities: an employee with the authority to address complaints, including the Title IX Coordinator, Title IX Deputies, and Representatives of the Dean of Students Office; Department of Public Safety; Human Resources; local law enforcement and/or family or civil court.

All reporting individuals 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 a judicial or conduct process and/or criminal justice process free from pressures by the University;
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 University 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 institutional 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 or 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 University.

Scope of the Policy

All Members of the University community, regardless of sexual orientation or gender identity, including all students, faculty, staff, visitors and vendors are covered by the University's sexual misconduct policy. Any and all University locations, sponsored activities – either on or off campus – or academic-based off-campus relationships are covered by the school's sexual misconduct policy.

This policy covers all members, regardless of sexual orientation or gender identity, of the University community – students, faculty and staff – as well as those who affect the University community such as vendors or visitors. The University encourages everyone to report all incidents of sexual misconduct, regardless of who the offender may be.

Reporting & Confidentiality Obligations of University Faculty and Staff

All members of the University community should report incidents of sexual misconduct in order to support the University policy. In order to ensure the University is free of prohibited sexual misconduct, University officers, deans, department heads, faculty members, directors, supervisors, and paraprofessionals are required to report all incidents of violations of this policy that they may have witnessed or been informed about.

The University will maintain the confidentiality of the complainant to the greatest extent consistent with law and the University's goal of conducting thorough and complete investigations. Effort will be made to safeguard the privacy and rights of all persons involved.

Options for Assistance Following an Incident of Sexual Misconduct

Immediate Assistance

University community members should report any incident to the following entities including but not limited to the Title IX Coordinator, Title IX Deputies, administrators, faculty members, or any other responsible employee of the University. It is the duty of all members of the University to notify the following Title IX Coordinator of Title IX Deputies if they are informed of any and all incidents.

The campus-specific Title IX Coordinator and Title IX Deputies are able to provide immediate and confidential response in a crisis situation.

SEXUAL VIOLENCE AND HARASSMENT POLICY

Specific Points of Contact for each campus is provided below:

Campus Location	Title IX Coordinator/Deputy	Email	Phone Extension
University-Wide	Lisa Araujo	Lisa.Araujo@liu.edu	516-299-4217
LIU Post	Jean Anne Smith	JeanAnne.Smith@liu.edu	516-299-2480
	Department of Public Safety		516-299-2222
LIU Brooklyn	Karlene Thompson	Karlene.Thompson@liu.edu	718-488-1042
	Department of Public Safety		718-241-1078
LIU Brentwood	Lisa Araujo	Lisa.Araujo@liu.edu	516-299-4217
	SCCC Michael J. Grant Campus Public Safety		631-451-4242
LIU Riverhead	Lisa Araujo	Lisa.Araujo@liu.edu	516-299-4217
	SCCC Eastern Campus Public Safety		631-548-3636
LIU Hudson	Lisa Araujo	Lisa.Araujo@liu.edu	516-299-4217
	State University of New York Police		914-251-6900
LIU Global	Carlett Thomas (Brooklyn)	Carlett.Thomas@liu.edu	718-488-3409
	Maria Sandberg (Costa Rica)	Maria.Sandberg@liu.edu	718-554-0396

Please note, if you are unsure with whom to directly contact, the reporting individual or University reporting entity should contact either the LIU Post Department of Public Safety or the LIU Brooklyn Department of Public Safety at the above listed phone numbers. Both of these departments are available to provide initial assistance twenty-four hours a day, three-hundred and sixty-five days a year.

In addition, any reporting individual may also contact local police or law enforcement agencies.

Reporting individuals will be provided any and all necessary or requested on-campus or off-campus health care or medical needs. The Title IX Coordinator and/or Title IX Deputies will institute the appropriate steps to ensure the safety and well-being of the reporting individual:

1. Ensure the victim is aware of the options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services.
2. Discuss the option of seeking medical treatment in order to preserve evidence.
3. Identify where/how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE).
4. Provide locations, including contact information, for an advocate (e.g., a local rape crisis center, on-campus advocacy program) who can accompany a victim to the hospital or health provider.

Anonymous Reporting

Although the University encourages victims, survivors and bystanders to talk to someone, the University provides a system for anonymous reporting, either by telephone or via an online form. Employees, students or visitors can access EthicsPoint/NAVEX Global by clicking [here](#) (click box "file a report" and then enter "Long Island University" in the box that asks for the name of the institution) or by calling 1-866-295-3143.

Reporting to the Federal and New York State Governments

Inquiries or complaints that involve potential violations of Title IX may also be referred to the [U.S. Department of Education's Office for Civil Rights](#) (OCR):

New York Office

Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
FAX: 646-428-3843;
TDD: 800-877-8339
E-mail: OCR.NewYork@ed.gov

National Headquarters

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012;
TDD: 800-877-8339
E-mail: OCR@ed.gov

Inquiries or complaints may also be addressed to the [Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice \(DOJ\)](#):

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, N.W.
Educational Opportunities Section, PHB
Washington, D.C. 20530
E-mail: education@usdoj.gov
Telephone: (202) 514-4092 or 1-877-292-3804 (toll-free)
FAX: (202) 514-8337

New York State Hotline for Sexual Assault and Domestic Violence.

1-800-942-6906

Ongoing Assistance

Counseling, Advocacy, and Support – On and Off Campus

All reporting individuals may receive support, whether or not the reporting individual chooses to make an official report or participate in the University's established community standards process or criminal processes.

All reporting individuals are provided the opportunity to disclose confidentially with counseling, advocacy, health, mental health, or sexual-misconduct-related sources, both on and off campus.

The campus specific Title IX Coordinator and/or Title IX Deputies will provided ongoing supporting during the University's established community standards process or criminal processes.

Academic Accommodations and Interim Measures

To assist the reporting individual and to ensure their safety and well-being, the Title IX Coordinator and/or Title IX Deputies will assist in relocation of the student (if a resident student), assist with the altering or amending of work schedules, assist in the altering or amending of academic schedules, the coordination of withdrawing from an academic class and/or the coordination for the opportunity to retake an academic requirement without penalty, and access to any and all necessary academic support.

To assist the reporting individual, the Title IX Coordinator and/or Title IX Deputies will ensure the issuance of no-contact orders, temporary living arrangements (if a resident student), academic course schedules, and any other established Emergency Administrative Action, as outlined in the Campus Code of Conduct.

Any student subject to such interim measures may request a review of the need for and terms of such orders by the institution and may submit information as to their reasoning for requesting a change.

Title IX Coordinator

The University's Title IX Coordinator has primary responsibility for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this University, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

The Title IX coordinator oversees the University's response to reports and complaints that involve possible sexual misconduct to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the University can address issues that affect the wider school community.

A student should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- seek information or training about students' rights and courses of action available to resolve reports or complaints that involve potential sexual misconduct,
- file a complaint or make a report of sexual misconduct,
- notify the University of an incident or policy or procedure that may raise potential Title IX concerns,
- get information about available resources (including confidential resources) and support services relating to sexual misconduct, and
- ask questions about the University's policies and procedures related to sexual misconduct.

In the event that the incident, policy, or procedure about which the student seeks to file a report or complaint creates the appearance of a conflict of interest with one of the members of the Title IX

compliance team, students may contact any other member of the team.

Functions and Responsibilities of the Title IX Coordinator

The Title IX Coordinator's functions and responsibilities include the following:

Investigations

The University is responsible for conducting adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct,
- appointing an investigative team upon such determination,
- making certain that individual reports and complaints are handled properly and in a prompt and timely manner,
- informing all parties regarding the grievance process,
- confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal, if applicable,
- maintaining information and documentation related to the investigation in a secure manner, and
- monitoring compliance with timeframes specified in the grievance procedures.

The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all students.

Remedies, Including Interim Measures

Upon learning of a report or complaint of sexual misconduct, the Title IX Coordinator promptly takes steps to ensure the complainant's equal access to the University's programs and activities and protect the complainant as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigation, and making the complainant aware of all available resources. Upon a finding of prohibited sexual misconduct, the Title IX Coordinator determines whether campus-wide remedies should be adopted in response, including review and revision of the University's sexual misconduct policies, increased monitoring, supervision or security at locations where sexual misconduct is reported to occur, and increased education and prevention efforts, including to targeted populations. If a Title IX investigation concludes that an individual engaged in prohibited sexual misconduct, the Title IX Coordinator reviews proposed sanctions before they are imposed to ensure that they, along with the University's interim and long-term measures taken in response to the sexual misconduct, are reasonably calculated to stop the sexual misconduct and prevent its recurrence.

Monitoring and Advising

In order to address sexual misconduct on campus and ensure ongoing compliance with Title IX, the Title IX Coordinator:

- coordinates an annual climate survey, in consultation with research personnel with expertise in survey design and data collection and analysis,
- analyzes data collected by the annual climate survey to assess the rates and nature of sexual misconduct, any location hot-spots or risk factors, knowledge of the University's sexual misconduct policies, procedures and resources, and the consequences of violating such policies, and the effectiveness of the University's efforts to ensure that the University is free from sexual misconduct,

- reviews regularly all reports and complaints raising potential Title IX issues throughout the University to ensure that the University responded consistent with its Title IX obligations, even if the report or complaint was initially filed or raised with another individual,
- reviews regularly all reports and complaints raising potential Title IX issues throughout the University to identify and address any patterns,
- reviews regularly the University's policies and procedures to ensure that they comply with the requirements of Title IX,
- organizes and maintains files related to grievances, reports, complaints, and other records of potential sex discrimination, including sexual misconduct, in a secure manner,
- assesses regularly the University's compliance with, and the effectiveness of, policies and procedures related to sexual misconduct, and recommends modifications where appropriate,
- consults regularly with the administration and campus stakeholders to promote campus-wide awareness and discussion of Title IX-related issues, and develop and implement any modifications of policies and procedures to prevent and eliminate sex discrimination, including sexual misconduct, and
- ensures that appropriate policies and procedures are in place for working with local law enforcement and coordinating with local victim advocacy organizations and service providers, including rape crisis centers.

Reporting Policies and Protocols

LIU is obligated, under the Clery Act and the annual reporting responsibilities of Campus Security Authorities, to report any and all incidents and to issue timely warnings as applicable to the University community.

Amnesty for Reporting Incidents of Sexual Violence

The health and safety of every student at Long Island University is of utmost importance. LIU 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. LIU strongly encourages students to report incidents of domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander or reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to LIU officials or law enforcement will not be subject to LIU'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.

Title IX Investigation Procedures and Protocols

The Title IX Coordinator and/or Title IX Deputies will initiate any and all necessary investigations in coordination with the Title IX Investigator.

The Investigation - The Title IX Investigator will conduct a prompt, thorough and impartial investigation of the complaint in the manner he or she deems necessary. The parties to the complaint will each have an equal opportunity to be heard and to present relevant witnesses and evidence during the investigation process. The parties will also be informed of the status of the investigation as deemed appropriate. Depending on the circumstances, interim measures that the University may provide include, but are not limited to, 'no contact' orders, health and counseling services, room or class reassignments, and any other step to ensure the safety and well-being of the reporting individuals. Evidence should be preserved to assist in the investigation at all times.

If a victim/survivor chooses to notify law enforcement and proceed with a criminal investigation and/or prosecution, the University may conduct a parallel investigation and may seek to work in coordination with these entities.

It should further be noted that if a reporting individual's request for confidentiality limits the University's ability to investigate a particular matter, the University will take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the reporting individual. Examples include but are not limited to: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for University Community members; revising and publicizing the University's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

Preponderance of Evidence Standard - The Title IX Investigator utilizes the following standard for evaluating complaints - a *preponderance* of the evidence. i.e., the investigator shall determine whether it is *more likely than not* that the alleged sexual misconduct occurred. If it is determined that a violation of the University's Sexual Violence and Harassment policy has occurred, prompt remedial action shall be taken.

No form of mediation will be used to address allegations of sexual misconduct.

The outcome of the investigation - The nature of the remedial action and the process for its implementation will depend upon the particular facts and circumstances. Absent unusual circumstances, a final recommendation should be issued within sixty (60) days of receipt of the complaint. Both the accused and the complainant will receive contemporaneously, in writing, notice of the outcome of any University disciplinary proceeding relating to sexual misconduct, including any appeal(s).

If remedial action involves the imposition of sanctions, appropriate disciplinary procedures will be used. Sanctions imposed may be appealed by either party through the appropriate appeals process depending on the status of the accused. The disposition of the complaint shall be communicated in writing to each party. The University will take steps to prevent the recurrence of any discrimination or harassment, and to remedy its effects. If it is determined that no violation has occurred, such findings shall be communicated in writing to each party.

If the results of an investigation show that the complainant knowingly filed false accusations of discrimination or harassment, or that a witness knowingly gave false statements, such individuals will be subject to the appropriate disciplinary action.

Impact Statement – Parties to a Title IX investigation have a right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

Appeals – Either party to a Title IX complaint is entitled to appeal the outcome to a Board of Appeals consisting of a panel of University administrators appointed by the Title IX Coordinator. However, appeals are only permitted on the basis of (i) serious procedural deficiency on the part of the University in responding to this complaint (e.g. a conflict of interest that might affect the outcome); or (ii) the availability of evidence not considered by this investigation, which might affect the outcome. Appeals must be filed within fifteen (15) days of receipt of this determination, and should contain a written statement explaining why one (or both) of the two bases of appeal enumerated above apply to this determination. Appeals shall be decided within 40 days of their receipt.

Options for Reporting and Confidentially Disclosing Sexual Misconduct

LIU encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."

- Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim's wishes.
- Some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called "responsible employees") constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. The University encourages victims to talk to someone identified in one or more of these groups.

The Options

Privileged and Confidential Communications: Professional and Pastoral Counselors.

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

Reporting to "Responsible Employees."

A "responsible employee" is a University employee who has the authority to redress sexual misconduct, who has the duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual misconduct, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual misconduct shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

Requesting Confidentiality From the University: How the University Will Weigh the Request and Respond.

If a reporting individual or victim/survivor discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the University may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The University has designated the Title IX Coordinator to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence.

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
- whether there have been other sexual violence complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);

- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the victim's request for confidentiality.

If the University determines that it cannot maintain a victim's confidentiality, the University will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

Even University officers and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or University employees, will not be tolerated. The University will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The University may not require a victim to participate in any investigation or disciplinary proceeding.

Because the University is under a continuing obligation to address the issue of sexual misconduct campus-wide, reports of sexual misconduct (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines that it can respect a victim's request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.

Take Back the Night and other public awareness events

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

Student Conduct Records Retention Policy

With the exception of those conduct records which have been successfully appealed by the student, and/or the student was otherwise exonerated of the charges, the existence of all student conduct records and the contents of such records are kept and maintained by the Dean of Students Office or designee in accordance with the Family Educational Rights and Privacy Act of 1974, as amended; and in accordance with the policies and procedures outlined by Long Island University. While most records will be retained for a period of seven years, at its discretion, the University reserves the right to retain student conduct files permanently in accordance with the policies and procedures outlined by the University; and pursuant to U.S. Department of Education, Office of Civil Rights.

Student conduct records are retained by the Dean of Students Office or designee in accordance with the policies and procedures outlined by Long Island University.

Transcript Notations

Article 129-B of the New York State Education Law requires the University to make specific permanent and/or temporary notations on the transcripts of students found responsible for the following conduct prohibited by this Policy: sexual assault, dating violence, domestic violence, and stalking, as follows:

- “Expelled after a finding of responsibility for a code of conduct violation” – where a student has been expelled for sexual violence or another crime reportable under the Clery Act, this notation will be **permanently** added to the student’s transcript.
- “Suspended after a finding of responsibility for a code of conduct violation” – where a student has been temporarily suspended for sexual violence or another crime reportable under the Clery Act.
- “Withdrawal with pending disciplinary action” – where a student has withdrawn from the University while disciplinary charge for sexual violence or another crime reportable under the Clery Act are pending.

Students may request removal of a notation by petitioning the Dean of Students. This request must be in writing and include the rationale for the request. The Dean of Students, or his or her designee, will review the request and provide a written response within 60 days from the date the request was received. If the University vacates a finding of responsibility for any reason, any such transcript notation shall be removed.

Prevention and Education

LIU maintains a pro-active approach to the prevention, education, and outreach activities vital to provide a safe environment for all University Community members, visitors and vendors. Programming efforts include but are not limited to HAVEN, programming activities, bystander intervention processes and programming, educational sessions at Orientations (freshman, transfer and graduate) and periodic training and programming activities throughout the year to ensure a wide dissemination, through a variety of methods including but not limited to electronic delivery, hard-copy, pamphlets, and other programming tools, of information related to the University’s sexual misconduct policies, bystander awareness, and domestic violence.

Training

LIU annually provides University-wide education and training opportunities including HAVEN and other periodic training opportunities to ensure a wide dissemination of any and all information related to the University’s policies, procedures, and other information.

HAVEN is an online training program that LIU has implemented to meet Department of Education requirements pursuant to Title IX and VAWA (the Violence Against Women Act). LIU is requiring the student population take the course; however the outcome of the test will not affect a student’s

academic record in any way. Part 1 takes approximately 45 minutes. You must wait 30 days before you can begin Part 2. After the 30 days, you should log back in to Haven and complete part 2, which should only take 15 minutes. This is an important part of the University's continued fight against sexual assault and is required by the university. There is no cost attached and it is non-credit bearing.

All University Title IX Coordinators, Title IX Deputies, Department of Public Safety Officers and Supervisors, Campus Life Staff Members, and other University responsible employees, victim advocates – including any member of the University community – that will be responding to, investigating, or adjudicating sexual misconduct will receive adequate training.

Campus Sex Crimes Prevention Act

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to inform the campus community where to obtain law enforcement agency information provided by a state concerning registered sex offenders. It also requires sex offenders already required to register in a state to provide notice, as mandated under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services or is a student.

The New York State Division of Criminal Justice Services maintains the state's Sex Offender Registry, which contains information about individuals convicted of certain sex offenses. This information is available by calling **800-262-3257** or by visiting <http://www.criminaljustice.ny.gov/nsor/>.