Nassau Community College Sexual Violence Response Protocol

In accordance with the Students' Bill of Rights, individuals reporting sexual assault, domestic violence, dating violence, or stalking ("reporting individuals") shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

I - Reporting:

- **To disclose *confidentially*** the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the "*Options for Confidentially Disclosing Sexual Violence" document*):
  - The College's Psychological Counseling Center: located at Nassau Hall, Room 14, Phone: 516.572.7698; www.ncc.edu/campusservices/psychological_counseling/
  - Licensed Healthcare Provider(s): Student Health Office, Building U, Phone: 516-572-7123; website: www.ncc.edu/campusservices/health_services/
  - Anonymously via an Internet anonymous reporting system:
    - https://nccapps.ncc.edu/forms/ComplaintForm/

    OR reach the link as follows:
    Go to www.ncc.edu, from the links listed at the bottom of the website, click the "AAO & Title IX" link. From there, select "Complaint Forms and Resources" from the headings listed on the left side of the screen.

- **To disclose the incident to one of the following college officials who can offer *privacy*** and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

- Theresa Aydelott; Equity, Inclusion, and Affirmative Action, ADA/504 Office, Tower 8th Floor, Room 818; 516-572-7121
- Public Safety Department; Public Safety Headquarters building (Adjacent to West 5 Parking Lot); General Info: 516-572-7100; Emergencies: 516-572-7111; Open 24 hours, 7 days per week.
- Dean of Students Office; College Center, Room #312; 516-572-7376
- Student Health Office Employees and Volunteers (other than licensed healthcare providers), Near Student Union & Theatre, Phone: 516-572-7123; website: www.ncc.edu/campusservices/health_services/
- Student Personnel Services Employees: Nassau Hall, Room 11; 516-572-7506; www.ncc.edu/programsandcourses/academic_departments/student_personnel_services/
- Designated Sexual Harassment Counselors. (As of the date of this publication, the following employees at the College have been designated as qualified Sexual Harassment Counselors. However, the Title IX Coordinator (516- 572-7121; Administrative Tower, 8th Floor) shall at all times maintain an updated list of all Designated Sexual Harassment Counselors)

Andrina Veit Cleveland 516-572-7518 ext. x26628	Tina S. Wynder 516-572-7771 x25825	Catherine Lewis 516-572-7241
Miriam Afkhami-Ramirez 516-572-7698	Diana Milillo 516-572-5007	Susan Newlin-Wagner 516-572-7185 x25342
Christopher Muller 516-572-7696	Robert Ramirez 516-572-7781	Silvina Trica-Flores 516-572-7414 x25107

- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with College policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may call the Title IX Coordinator's Office anonymously to discuss the situation and available options:

  - Title IX Coordinator, Equity, Inclusion, and Affirmative Action, ADA/504 Office; Tower 8th Floor, Room 818; 516-572-7121

- When the accused is an employee, a reporting individual may also report the incident to the Title IX Coordinator's Office, or may request that one of the above referenced confidential or private employees assist in reporting to the Title IX Coordinator.

Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the College, College officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

  - Title IX Coordinator, Equity, Inclusion, and Affirmative Action, ADA/504 Office, Tower 8th Floor, Room 818; 516-572-7121

- You may withdraw your complaint or involvement from the College's process at any time.

- The College shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to a College representative, the following information shall be presented to the reporting individual: ***"You have the right to make a report to Department of Public Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College."***

- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: http://www.opdv.ny.gov/help/dvhotlines.html. Additional disclosure and assistance options are cataloged by the Office for the Prevention of Domestic Violence and presented in several languages: https://opdv.ny.gov/; https://ovs.ny.gov/help-crime-victims (or by calling 800-942-6906), and assistance can also be obtained through:
  - Legal Momentum: https://www.legalmomentum.org/;
  - NYSCASA: New York State Coalition Against Sexual Assault; http://nyscasa.org/get-help/;
  - NYSCADV: New York State Coalition Against Domestic Violence; http://www.nyscadv.org/;
  - Pandora's Project: https://pandys.org/
  - NYS LGBTQ IPV NETWORK (Intimate Partner Violence Network): https://avp.org/; and
  - RAINN: Rape, Abuse & Incest National Network; https://www.rainn.org/get-help;

- Safe Horizons: http://www.safehorizon.org/.
  (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 the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).
- Response-A 24-hour crisis information hotline: 516.679.1111
- The Safe Center; LI 516-542-0404; https://www.tscli.org/
- Sexual Assault, rape, child abuse 24/7 hotline: 516.222.2293
- Project Salva 24/7 bi-lingual domestic violence hotline 516-889-2849

- To file a criminal complaint with College's Public Safety Office and/or with local law enforcement and/or state police:
  - Nassau Community Public Safety Department, Public Safety Headquarters building (Adjacent to West 5 Parking Lot); General Info: 516-572-7100; Emergencies: 516-572-7111;
  - Nassau County Police Department, 3rd Precinct, 214 Hillside Avenue, Williston Park, 516-573-6300
  - State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.
  - In an emergency, call 911
  - Sex Crime Squad of the Nassau County Police Department: 516.573.8055
  - Sex Offense and Domestic Violence Bureau of the Nassau County District Attorney's Office: 516.571.1266

- To receive assistance by the Department of Public Safety and/or Title IX Coordinator in initiating legal proceedings in family court or civil court.

II-Resources:

- To obtain effective intervention services.
- **The College's Psychological Counseling Center**: located at Nassau Hall, Room 14. Phone: 516.572.7698; Services are offered at no cost to students.
- **Student Health Office**, Between College Union and Theatre, Phone: 516-572-7123. Services are offered at no cost to students. Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs is available at the Health Center at no cost to the student. Students can also be referred to Planned Parenthood of Nassau County ("PPNC") for STI testing and treatment, emergency contraception, and other services. Most health insurances are accepted at PPNC. Patients may also qualify for free birth control and

- **Planned Parenthood of Nassau County**, 540 Fulton Avenue, Hempstead, NY. Phone: 516-750-2500; www.plannedparenthood.org/planned-parenthood-nassau-county

    - Within 96 hours of an assault, you can get 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. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be fund here: https://ovs.ny.gov/ or by calling 1-800-247-8035. https://ovs.ny.gov/help-crime-victims

    - To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

- # Protection and Accommodations:

- When the accused is a student, to have the college issue a "No Contact Order," consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with College policy. Parties may submit evidence in support of their request.

- To have assistance from the College's Department of Public Safety or the Title IX Coordinator in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.

- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official from the College's Department of Public Safety who can explain the order and answer questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s); that burden does not rest of the protected person(s).

- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from the College's Department of Public Safety to call on and assist local law enforcement in effecting an arrest for violating such an order.

- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension.

- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and College policies and rules.

- When the accused is not a member of the college community, to have assistance from the College's Department of Public Safety and/or the Dean of Students Office in obtaining a persona non grata letter, subject to legal requirements and college policy.

- To obtain reasonable and available interim measures and accommodations that effect a change in academic, employment, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point of contact to assist with these measures:

    - Title IX Coordinator, Equity, Inclusion, and Affirmative Action, ADA/504 Office, Tower 8th Floor, Room 818; 516-572-7121

IV-Student Conduct Process:

- To request that a Formal Complaint be filed against the accused with the Title IX Coordinator's Office. The formal complaint and subsequent hearing proceedings are governed by the procedures set forth in the College's Sexual Harassment Policy, Section III-D.3, Stage 3 ("Formal Hearing") as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

- Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the College's Sexual Harassment Policy, Section III-D(3).

- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.

- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.

- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct or College policy provisions alleged to have been violated, and possible sanctions.

- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.

- The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College).

- The right to present evidence and testimony at a hearing, where appropriate.

- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.

- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.

- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.

- Access to at least one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest.

- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.

    - Title IX Coordinator, Equity, Inclusion, and Affirmative Action, ADA/504 Office, Tower 8th Floor, Room 818; 516-572-7121

- The right to choose whether to disclose or discuss the outcome of a conduct hearing.

- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.