

Title IX Reporting and Investigation Process for Students

If you are a Utica College student and are a victim of or a witness to an incident of sexual or gender-based misconduct, we encourage you to make a report as soon as possible. Making a report is the best way to ensure the immediate safety of everyone involved.

Making a Report

All members of the College community, including students, should know how to report an incident of sexual or gender-based misconduct. Contacting local and/or state law enforcement is always an option, and we will assist you in doing so if you wish. Contact information for those agencies is provided on this web page and in the Sexual Harassment, Gender-Based Harassment and Sexual Misconduct Policy. To make a report to someone in the College community, you may contact any one or more of the following:

Title IX Coordinator

Lisa Green, Vice President of Human Resources & Personnel Development,
(315) 792-3736, lcgreen@utica.edu

Deputy Title IX Coordinator for Students

Alane Varga, Dean for Diversity and Student Development, (315) 792-3324,
avarga@utica.edu

Deputy Title IX Coordinator for Athletics

David Fontaine, Director of Athletics and Physical Education, (315) 792-3050 or
dsfontai@utica.edu

Director of Campus Safety

Wayne Sullivan, (315) 792-3201, wasullivan@utica.edu

Dean of Students and Campus Life

Robert Perkins, Ph.D., (315) 792-3056, rjperkin@utica.edu

Director of Residence Life

Scott Nonemaker, (315) 792-3285, scnonema@utica.edu

You may also file a report online at <http://www.utica.edu/college/tix/report.cfm>

This report can be anonymous, however in order to be able to help we encourage you to provide as much information as possible.

Confidential Resources

All members of the Utica College community have a number of resources available to discuss sexual harassment, gender-based harassment or sexual misconduct concerns or questions. An individual who has experienced sexual harassment, gender-based harassment or sexual misconduct is encouraged to seek support for their physical and emotional needs. These resources afford students the opportunity to discuss a concern or situation and the available options. These resources also offer the opportunity to gain information about the College's formal complaint procedures under this policy. Reports made to these resources will **not** be reported to other College officials in any personally identifiable manner (reports made to some of these individuals may result in a report to College officials that an incident occurred, but will not result in the reporting of any personally identifiable information), and, as a result, any student making a report solely to such confidential resources should not expect action to be taken by the College against any alleged perpetrator.

A report to a Confidential Resource is not a report to the College and will not result in an investigation or disciplinary action.

A student seeking confidential emotional or medical care may contact the following:

Utica College Student Counseling Center
Student Wellness Center, Room 204 Strebel Student Center
(315) 792-3094

Newman Center Chaplain
Newman Center Building
(315) 792-3284

Utica College Student Health Center
Student Wellness Center, Room 204 Strebel Student Center
(315) 792-3094

The health and counseling services noted above are available to students free of charge.

Confidential reports of any form of sexual misconduct can also be made to off-campus resources, including:

Oneida County's YWCA Domestic and Sexual Violence Services
(315) 797-7740

Suicide/Crisis Services
24 Hour Hotline
(315) 732-6228

NYS Office of Victim Services
Hotline

1-800-247-8035

Non-Confidential Resources: Responsible Administrators

Any person having a complaint of sexual harassment, gender-based harassment or sexual misconduct is encouraged to make a report to any one of the following non-confidential resources, who are considered “Responsible Administrators” for purposes of Title IX.

What Happens Next?

Once a report is made to the College, we begin a process that starts with **ensuring the immediate safety of everyone involved**. This could mean a variety of things that are all aimed at making sure the victim and anyone else associated with the incident are safe in residence halls, classrooms, or other areas and facilities on our campuses. It could also involve seeking medical attention or crisis services for the victim. **This is priority ONE.**

The Title IX Coordinator or a Deputy Title IX Coordinator will work with the Office of Campus Safety to ensure that everyone is safe and has access to the full complement of resources available at the College, as well as to external resources. Sometimes the people involved in the incident live in the same residence hall, attend the same classes or are on the same teams, or just generally cross paths very regularly. It may be helpful in those cases to create some separation between those people. The Office of Campus Safety and/or the Title IX Coordinator can work with the Office of Student Conduct and Community Standards to have “No Contact” orders issued to ensure that there is space between the people involved, if necessary. If the report involves a faculty member, staff member, or other member of the College community, the Title IX Coordinator will work with department leaders in the same way to create space as needed.

Once the Title IX Coordinator has the report, he/she will reach out to the person who made the report (called the “complainant”) and the person who allegedly engaged in the problematic behavior (called the “respondent”). The purpose of that contact is to:

- 1) make sure everyone is safe and has access to the resources they need;
- 2) understand who all of the involved parties are and get a very brief overview of the incident; and
- 3) inform the complainant and respondent of the investigatory process, their rights under that process, and answer any process or resource-related questions.
- 4)

NOTE: If the report is made anonymously, the Title IX Coordinator will need to determine if there is enough information to proceed.

After the initial contact is made, the Title IX Coordinator will assign two “investigators” to interview the complainant, respondent, and any others who are identified as witnesses to the incident. Anyone who is interviewed in relation to the incident is allowed to bring a person with them for support and guidance (we call this an “advisor of choice”). It is important to know that the investigators’ job is to gather facts, not to determine sanctions. Our investigators have been

trained to ask thoughtful questions that in the end could help us determine if a violation of policy has occurred. The facts gathered by investigators also helps in determining next steps. When the investigators have completed their fact-finding work, they write a report to the Title IX Coordinator that summarizes the facts surrounding the incident. They also let the Title IX Coordinator know if they believe there to be a policy violation (or not) based on the facts presented. Finally, they make recommendations as to how to proceed based on the findings. The Title IX Coordinator reviews the report from the investigators and confirms the report. On occasion, it could be possible that the Title IX Coordinator's determination differs from that of the investigators. It is the Title IX Coordinator who decides on the findings that will be delivered to both the complainant and respondent. The Title IX Coordinator will share investigatory findings and recommendations with both the complainant and respondent. Each party has the right to ask questions and submit more evidence as appropriate.

Some incidences result in a referral to the Office of Student Conduct and Community Standards for review to see if the Code of Student Conduct was violated. If that is the case, the Title IX Coordinator will make the individual aware that there will be a referral to that process, and that is where sanctions will be decided. The Title IX and student conduct processes are separate and distinct processes, although the Title IX Coordinator will share facts with the Director of Student Conduct and Community Standards. For incidences involving faculty, staff, or other members of the College community, the Office of Human Resources at the College will be responsible for coordinating any disciplinary action or outcomes.

While a referral to the Office of Student Conduct and Community Standards usually ends the Title IX investigatory portion of the process, it is important to know that ANY case can be reopened if a person has importance evidence to share.

Some Other Important Process Notes:

- Students always have the right to contact the Office of Civil Rights regarding a report or complaint.
- If a student decides to report an incident to law enforcement, the College will still conduct its own internal investigation, and will use this process to do so.

Any student with a question or concern about this process may contact any of the Title IX Coordinator or either of the Deputy Title IX Coordinators (contact information listed above) at any time.