



# **Sexual Misconduct Policy**

## **2015**

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# **Sexual Misconduct Policy**

## **I. Introduction**

Dominican College (“the College”) is committed to providing a safe and inclusive environment for all members of the College community that is free from sexual misconduct. The College is committed to providing options, support, and assistance to victims/survivors of sexual misconduct to ensure that each member of the College community can freely participate in all College programs, activities, and employment.

In furtherance of those goals, the College has developed this Policy to define prohibited sexual conduct, establish a mechanism for determining when sexual misconduct has taken place, and provide recourse for members of the College community whose rights have been violated.

This Policy is intended to be consistent with the College’s obligations under Title IX of the Education Amendments Act of 1972 (“Title IX”); the Clery Act, as amended; the Violence Against Women Reauthorization Act of 2013 (“VAWA”); and, New York Education Law Article 129-B.

## **II. Prohibited Conduct**

- A. The College prohibits sexual misconduct, an umbrella term that is used to encompass unwanted or unwelcome conduct of a sexual nature that is committed without valid consent. Sexual misconduct includes sex discrimination/gender discrimination, sexual harassment/gender-based harassment, sexual assault, stalking, dating violence, domestic violence, and sexual exploitation, as defined below. Sexual misconduct and all acts of sexual misconduct, as set forth below, are strictly prohibited under this Policy.
  1. Sex Discrimination/Gender Discrimination: Actions that deprive a member of the College community of educational or employment access, benefits, or opportunities because of that individual’s sex or gender.
  2. Sexual Harassment/Gender-Based Harassment (Hostile Environment): Unwelcome verbal or physical conduct of a sexual nature that has the effect of unreasonably interfering with an individual’s work or academic performance or that creates an intimidating, hostile, or offensive working, educational, or living environment.
  3. Sexual Harassment/Gender-Based Harassment (Quid Pro Quo): Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct results in adverse educational or employment action or the threat of such action or limits or denies an individual’s educational or employment access, benefits, or opportunities.
  4. Sexual Assault: Unwanted or unwelcome touching of a sexual nature, including hugging, kissing, fondling, oral sex, anal intercourse, vaginal intercourse, or other intentional sexual contact that occurs without clear, knowing, valid, and voluntary consent and/or by force.
  5. Stalking: A pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that makes that person afraid or concerned for his or her safety.
  6. Dating Violence: Violence or the threat of violence committed by a person who is or has been in a social relationship of a romantic and/or intimate nature with the survivor/victim.
  7. Domestic Violence: A pattern of abusive behavior in a social relationship of a romantic and/or intimate nature that is used by one partner to gain or maintain control over another intimate partner.
  8. Sexual Exploitation: Non-consensual and/or abusive sexual advantage taken towards an individual to benefit anyone other than the individual being exploited. Sexual exploitation includes, but is not limited to invasion of sexual privacy, engaging in voyeurism, and non-consensual video- or audio-taping of sexual activity.
- B. Sexual misconduct may occur between people of the same sex or between people of different sexes and may occur regardless of either person’s gender expression, gender identity, or sexual orientation.
- C. This Policy applies to conduct that occurs:
  1. on campus; and,
  2. off campus, if:
    - a. in connection with a College program or activity, including a College-sponsored study abroad program; or,
    - b. the underlying behavior is reasonably believed to pose a threat of harm to an individual or the campus community in general; or,
    - c. the underlying behavior may have the effect of creating a hostile environment for any member of the College community.

- D. Retaliation is also prohibited under this Policy. Retaliation occurs when an adverse employment or educational action is taken against a member of the College community because of that individual's participation in a complaint or investigation of a violation under this Policy.
- The College may investigate and/or sanction retaliation prohibited under this Policy regardless of where the retaliation took place, so long as the retaliatory acts were conducted as a result of or in connection with an individual's participation in a complaint or investigation of a violation under this Policy.
- E. It is a violation of this Policy for anyone knowingly to make false accusations of discrimination or harassment. A determination that a complaint is not meritorious, however, is not necessarily equivalent to a false allegation and a finding for the responding party does not necessarily constitute a finding that the complaint was in bad faith.
- F. The College prohibits members of the faculty, administration, or staff from engaging in a dating or sexual relationship, whether or not consented to, with a student or employee whom the faculty, administrator, or staff member either instructs, evaluates, supervises, or advises, or over whom the faculty, administrator, or staff member is in a position to exercise authority over in any way, now or in the foreseeable future.

### **III. Students' Bill of Rights**

#### **A. 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 institution;
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 institution 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 institution representatives as practicable and not 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;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution; and,
12. Make a report to an employee with the authority to address complaints, including the Title IX Coordinator, Director of Human Resources, Campus Security, Local Law Enforcement, and/or Family Court or Civil Court.

### **IV. Amnesty Provision**

The health and safety of every student at the Institution is of utmost importance. The College 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. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution 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 College officials or law enforcement will not be subject to Institution'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.

## **V. The Importance of Preserving Evidence**

Whether or not you choose to report an act of sexual misconduct, it is important to preserve evidence of the assault in case you later wish to report the sexual misconduct to law enforcement or College officials. If you have cleaned up after an assault or no longer have evidence, you may still report the incident and an investigation will follow, but it will help police and investigators to have all available evidence.

To preserve evidence of a sexual assault do not wash your hands or face; do not shower or bathe; do not brush your teeth; and, do not change clothes or straighten up the area where the assault took place. If you remove clothing, try to preserve the clothing in a paper bag.

To preserve evidence of physical violence take photographs of any bruising or other visible injuries.

Email, social media posts, text messages, and/or voicemails may also provide evidence of sexual misconduct.

The Center for Safety and Change, Nyack Hospital, and Good Samaritan Hospital provide Sexual Assault Forensic Examiner (“SAFE”) services. SAFE Examiners offer prompt, compassionate, non-judgmental care and forensic examination for injury identification and evidence collection. Contact information for these organizations is provided in Section X (Off-Campus Resources).

## **VI. Reporting a Potential Policy Violation**

The College takes all allegations of sexual misconduct seriously and encourages any member of the College community who has been a victim of sexual misconduct or a witness to sexual misconduct to report the incident to College officials. The reporting party may elect to make a confidential or non-confidential disclosure using the avenues set forth below.

In addition to reporting the incident to the College, please note that you may always dial 911 or contact the Orangetown Police Department (Telephone: 845/359-3700) to report an emergency, ongoing threat, or potential criminal conduct to law enforcement. It is your choice whether to report an act of sexual misconduct to law enforcement.

### **A. Confidential Disclosures**

If a member of the College community wishes to discuss a potential violation of this policy, but wishes to maintain complete confidence, then the individual may speak with professional counselors and/or pastoral counselors at the following offices, who are not required to report potential violations of this Policy to the Title IX Coordinator:

Dominican College Counseling Services	Alise Cohen, LCSW, BCD Eileen A. Piccininni, MA, LPC, CASAC, CEAP Prevention & Education Coordinator Location: Forkel Hall Hours: Monday – Friday, 9:00 a.m. – 5:00 p.m.	Telephone: (845) 848-4036 Telephone: (845) 848-4030
Dominican College Campus Ministry Dominican College Health Center	Director: Sr. Barbara McEneaney Director: Lynda Chesterman Location: Granito Center, Second Floor Hours: Monday, Tuesday, Thursday, 8:30 a.m. – 5:00 p.m. Wednesday, 8:30 a.m. – 6:00 p.m. Friday, 9:00 a.m. – 5:00 p.m.	Telephone: (845) 848-4031 Telephone: (845) 848-7918

If an employee wishes to discuss a potential violation of this policy, but wishes to maintain complete confidence, then the individual may utilize the Employee Assistance Program (EAP) which is available 24 hours a day, 7 days a week and is completely confidential.

Employee Assistance Program (EAP)	Hours:	24 hours, 7 days a week	Telephone: (800) 252-4555 (800) 225-2527
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### **B. Non-Confidential Disclosures**

All other Dominican College faculty and staff members are considered Responsible Employees and must report potential violations of this Policy to the Title IX Coordinator.

Even 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.

#### **C. Public Awareness Events**

The College is not obligated to initiate a Title IX investigation based on statements made by an individual through a public awareness event, such as a candlelight vigil, protest, or other public event.

### **VII. Procedures for Determining Whether This Policy Has Been Violated**

#### **A. Rights of Survivor/Victim and Responding Parties in Addition to Those Set Forth in the Students' Bill of Rights (Section III)**

Both the survivor/victim and the responding party have the right to have an Advisor of his or her choice present throughout the processes set forth in this Policy. The Advisor may privately counsel the individual, but may not speak on the individual's behalf. Each member of the College community has the right to contact law enforcement if he or she so wishes at any point. If requested, the Title IX Coordinator will assist any member of the College community in notifying law enforcement.

A survivor/victim may withdraw a complaint at any point in time. If a complaint is withdrawn, the Title IX Coordinator will determine whether to go forward with the investigation taking into account the threat of future harm by the responding party to the survivor/victim and other members of the College community. The safety and security of all members of the College community is of utmost importance to the College and, thus, the College may elect to go forward with the investigation even if a complaint has been withdrawn in order to promote safety for members of the College community.

#### **B. Interim Measures**

The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct, including providing Interim Measures, in order to protect the rights and personal safety of the survivor/victim and members of the College community.

Interim Measures may include, but are not limited to:

- Modification in living arrangements;
- Temporary change in class schedule;
- Counseling, including mental health services; and,
- Interim suspension of the responding party pending the investigation.

If you have a request for a change in academic, living, transportation, and/or working arrangements at the College, please contact the College's Title IX Coordinator. The College shall assist with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices.

#### **C. Initial Review/Decision to Proceed with Investigation**

Once the Title IX Coordinator receives a complaint that this Policy has been violated, he/she will review the allegations to determine if the behavior, as reported, could violate this Policy. Depending on the nature of the allegations, the Title IX Coordinator may conduct the review and determination individually or with the assistance of the Title IX Team.

If it is determined that the facts reported would not constitute a violation of this Policy, then the Title IX Coordinator will notify the reporting party that an investigation is not warranted.

If it is determined that an investigation is warranted, then the Title IX Coordinator will follow the procedures set forth below. If an individual discloses an incident of sexual misconduct under this Policy, but wishes to maintain confidentiality or does not consent to the College's request to initiate an investigation, the Title IX Coordinator must weigh the request against the College's obligation to provide a safe, non-discriminatory environment for all members of the College community.

#### **D. Notice to Reporting Party and Responding Party**

When the Title IX Coordinator or other appropriate College official determines that an investigation is warranted, notice shall be given to both the reporting party and responding party. The notice shall include the following information:

- Factual allegations concerning the violations, including, if available, the date, time, and location of the incident(s);
- Reference to the policy provision potentially violated; and,
- A list of potential sanctions if the responding party is found to have violated this policy.

The College will also provide the survivor/victim and responding party with written notice containing information on any meeting that he or she is required or eligible to attend.

#### **E. Investigation/Hearing**

The Title IX Coordinator, acting individually or in conjunction with the Title IX Team, will appoint an internal and/or external investigator to conduct a prompt, impartial, thorough, and fair investigation. The investigation will include separate interviews of the survivor/victim and the responding party and a review of all relevant documents (i.e. text messages, pictures, social media messages) provided by each party. The investigation may also include interviews with witnesses to the underlying allegations.

Investigations are conducted to take into account the totality of all available evidence from all relevant sources. The survivor/victim and responding party are permitted and encouraged to offer all pertinent evidence during the investigation process.

Depending on the nature and severity of the allegations, an investigator (or team of investigators) may conduct the investigation and reach a conclusion without a hearing, or a formal hearing may be held. If a hearing is held, then a transcript or other recording of the hearing will be made and maintained by the College for at least five (5) years.

#### **F. Reaching a Determination – Preponderance of the Evidence**

Following an investigation, the investigator and/or hearing panel will determine whether this Policy has been violated and will provide the Title IX Coordinator with an Investigative Report, which includes the following: (1) the outcome of the investigation; (2) the findings of fact; and, (3) the rationale for the decision.

The determination will be made using the “preponderance of the evidence standard,” which means that it must be more likely than not that this Policy was violated in light of all the information and evidence presented. The preponderance of the evidence standard, which governs this Policy, is a lesser burden of proof than the beyond a reasonable doubt standard, which controls in criminal proceedings.

#### **G. Notice of Determination of Policy Violation**

The Title IX Coordinator will provide simultaneous notice to the survivor/victim and responding party of whether this Policy was violated, which will include the outcome of the investigation, findings of fact, and rationale for the decision.

If it was determined that this Policy was not violated, then individuals will be directed to the Appeals process (as set forth in Section IV(I) below).

If it was determined that this Policy was violated, then both parties will be provided an opportunity to present an Impact Statement, as set forth below, that will be considered by the College when determining the appropriate sanction(s).

#### **H. Impact Statement**

If it has been determined that this Policy was violated, then both the survivor/victim and responding party have the right to present an impact statement to the Title IX Coordinator to be considered during the sanction process. The impact statement(s) must be provided to the Title IX Coordinator within five (5) business days of notification of whether this Policy has been violated.

#### **I. Sanctions**

Not all forms of sexual misconduct will be deemed as equally serious offenses. As such, the College reserves the right to impose different sanctions, ranging from a verbal warning to academic expulsion or termination of employment, depending on the severity of the offense. When determining the appropriate sanction(s), the College official(s) will consider the Investigative Report, the Impact Statement(s), and any other pertinent evidence.

If the responding party is a student, the Title IX Coordinator will forward the Investigative Report and Impact Statement(s) to the lead Title IX investigator for that case, for resolution under the Student Code of Conduct and Disciplinary System.

If the responding party is a staff or administrative member, then the Title IX Coordinator will forward the Investigative Report to the Vice President overseeing the responding party's area, for resolution under the Corrective Discipline and/or Termination Policies outlined in Volume III of the Dominican College Policy Manual. In the event that the appropriate Vice President is unavailable, the Title IX Coordinator will designate a Vice President from another area, to fulfill the responsibility.

If the responding party is a faculty member, the Title IX Officer will forward the Investigative Report to the Vice President for Academic Affairs/Academic Dean for resolution under the Dismissal for Cause and/or Corrective Discipline Policies outlined in Volume IV of the Policy Manual. If the Vice President for Academic Affairs/Academic Dean is unavailable, the Title IX Coordinator will designate a Vice President from another area, to fulfill the responsibility.

#### **J. Notice of Outcome**

After a determination has been made as to the appropriate sanction(s), the Title IX Coordinator will provide simultaneous notice to the survivor/victim and responding party of the following: (1) the outcome of the investigation; (2) the findings of fact; (3) the sanction, if any; and, (4) the rationale for the decision and sanction.

#### **K. Timeline for Investigation**

Generally, the investigation will be completed and the Notice of Outcome will be issued within 60 days of when the College was notified about the incident.

The time frame may be extended for circumstances such as College closures, holidays, and breaks between semesters. The Title IX Coordinator will notify the survivor/victim and responding party if the investigation will not be completed within 60 days.

#### **L. Appeal**

The survivor/victim and/or the responding party may appeal the College's determination of whether this Policy was violated and any sanction(s) issued. Appeals must be made to the Title IX Coordinator in writing within five (5) business days of the issuance of the College's decision.

If an appeal is sought, the Title IX Coordinator will appoint an Appeal Board of at least three (3) members of the College community. The Appeal Board will review the record and will grant an appeal only if one or more of the following criteria exist:

1. There was a procedural defect in the original investigation and/or hearing that would substantively affect the outcome of the hearing.
2. The sanction(s) issued is/are disproportionate to the Policy violation.
3. The presence of new evidence, which was unavailable at the time of the investigation or hearing.

If the Appeal Board determines that cause for the appeal exists based on one of the criteria set forth above, then the Appeal Board may take one of the following actions:

1. Uphold the original determination(s) and outcome(s);
2. Modify the sanction(s); or,
3. Remand the case for further investigation with corrective instructions to the investigator(s) and/or hearing panel.

The Title IX Coordinator will simultaneously notify the survivor/victim and the responding party of all decisions made by the Appeal Board, including whether the Board determined that cause existed for the appeal and, if so, actions taken by the Appeal Board. The Title IX Coordinator will also simultaneously inform the survivor/victim and reporting party when the College's decision of whether this Policy has been violated is final.

### **VIII. Transcript Notations**

- A. If a student is found responsible under this Policy for a Clery Act Crime of Violence, as defined below, including a sexual offense, then the College will make a notation to the responsible student's official College transcript of any sanction that was issued to the student "after a finding of responsibility for a code of conduct violation," such as "Suspended after a finding of responsibility for a code of conduct violation," or "Expelled after a finding of responsibility for a code of conduct violation."
- B. If a student withdraws from the College while conduct charges are pending against him or her, then his or her transcript will be marked that he or she "withdrew with conduct charges pending."
- C. To appeal the transcript notation, a student must petition the Office of the Registrar to remove the transcript notation. A transcript notation for suspension shall not be removed prior to one year after the conclusion of the suspension. A transcript notation for expulsion shall not be removed. If the appeal is granted, then transcript notations shall be removed within thirty (30) days of the granting of the appeal.
- D. If a finding of violation of this Policy is vacated, then the transcript notation shall be removed. The transcript notation will be removed within thirty (30) days after the finding is vacated.

### **IX. On-Campus Resources**

The following resources are provided at no cost to student/faculty/administrators/staff.

Dominican College Counseling Services

Alise Cohen, LCSW, BCD

Telephone: (845) 848-4036

Eileen A. Piccininni, MA, LPC, CASAC,

Telephone: (845) 848-4030

Dominican College Campus Ministry	CEAP Prevention & Education Coordinator Location: Forkel Hall Hours: Monday – Friday, 9:00 a.m. – 5:00 p.m. Director: Sr. Barbara McEneany Location: Casey Hall	Telephone: (845) 848-4031
Dominican College Health Center	Director: Lynda Chesterman Location: Granito Center, Second Floor Hours: Monday, Tuesday, Thursday, 8:30 a.m. – 5:00 p.m. Wednesday, 8:30 a.m. – 6:00 p.m. Friday, 9:00 a.m. – 5:00 p.m.	Telephone: (845) 848-7918
Dominican College Public Safety and Security	Director: John Lennon, Jr Assistant Director: James Corrigan Location: Casey Hall	Telephone: (914) 403-7531 (Available 24 hours a day, 7 days a week)

## X. Off-Campus Resources

The following resources are available to the community and may have associated costs, which are the responsibility of the consumer.

- The Center for Safety and Change – Rockland Family Shelter      24-Hour Hotline: (845) 634-3344  
The Center for Safety and Change offers a 24-hour hotline and free comprehensive victim assistance programs, including the Sexual Assault Forensic Examiner (SAFE) Program, counseling, hospital/police/court accompaniment and advocacy services for survivors of sexual violence. The SAFE Program provides specially trained nurses to people who report sexual assault at Good Samaritan Hospital or Nyack Hospital (contact information below). SAFE Examiners offer prompt, compassionate, non-judgmental care and forensic examination for injury identification and evidence collection. For more information on the SAFE kit, please visit <https://www.rainn.org/get-information/sexual-assault-recovery/rape-kit>
- Medical Centers:
  - Nyack Hospital (SAFE Kit Available)
    - 160 North Midland Avenue, Nyack, New York 10960
    - Telephone: (845) 348-2000
  - Good Samaritan Hospital (SAFE Kit Available)
    - 255 Lafayette Avenue (Route 59), Suffern, New York 10901
    - Telephone: (845) 368-5000
  - Palisades Urgent Care Center
    - 256 East Route 59, Nanuet, New York 10954
    - Telephone: (845) 624-2273
    - Website: [www.palisadesuc.com](http://www.palisadesuc.com)
    - Hours: Open 365 days a year; Monday – Friday: 8:00 a.m. – 8:00 p.m.; Saturday – Sunday: 9:00 a.m. – 6:00 p.m.
  - Stat Health Medical Services
    - 2244 Palisades Center Drive, West Nyack, New York 10994
    - Telephone: (845) 358-7828
    - Hours: Monday – Saturday: 9:00 a.m. – 6:00 p.m.
- Police Department:
  - Orangetown Police Department; 26 Orangeburg Road, Orangeburg, New York 10962; Main Telephone: (845) 359-3700 Detective Telephone: (845) 359-2121; Records Telephone: (845) 359-5782; IN CASE OF EMERGENCY, DIAL 911
- New York State Office of Victim Services
  - Website: <https://ovs.ny.gov>
- Organizations with Information on Sexually Transmitted Infections:
  - Centers for Disease Control and Prevention; Website: [www.cdc.gov](http://www.cdc.gov)
- Confidential and Free Hotlines:
  - National Sexual Assault Online Hotline; Telephone: 866-656-HOPE (4673); Website: <https://ohl.rainn.org/online/> Live help for sexual assault victims and their friends and families. Free, confidential, and secure.
  - New York State Hotline for Sexual Assault and Domestic Violence; Telephone: 866-331-9474
  - Love is Respect (Domestic Violence); Telephone: 800-942-6906

- Informational Websites:
  - Not Alone; Website: [www.notalone.gov](http://www.notalone.gov); An official website of the United States Government, providing resources for students and campuses and data related to sexual assault. Website access is provided at no cost.

## **XI. Definitions**

- A. Advisor: An individual chosen by the survivor/victim or the responding party to assist them the survivor/victim or the responding party through the College's investigation process. The Advisor may provide private counsel to the survivor/victim or responding party, but may not speak on behalf of the individual.
- B. Business Days: Official working days when the college is open for business; does not include weekends and College recognized holidays.
- C. Clery Act: A federal law, codified at 20 U.S.C. § 1092(f), that requires all colleges and universities who receive federal funding to share information about crime in or around campus and efforts to improve campus safety.
- D. Clery Act Crimes of Violence: Clery Act Crimes are codified at 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII), and include murder; sex offenses, forcible or nonforcible; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and, arson.
- E. 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. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- F. Force: The use of physical violence and/or imposing on someone physically to gain sexual access, including threats, intimidation, and/or coercion that overcome resistance or produce consent. Consent is not effective when forced.
- G. Gender: The socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women, i.e. masculine, feminine.
- H. Gender Expression: The way in which a person identifies.
- I. Gender Identity: The way in which a person acts to communicate gender within a given culture.
- J. Impact Statement: A statement drafted by a member of the College community explaining to the College how the underlying incident(s) has impacted his or her life.
- K. Incapacitation: A state where an individual cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent. Incapacitation may be caused by lack of consciousness, being asleep, being involuntarily restrained. 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.
- L. Law Enforcement: The police or Dominican College Campus Safety and Security.  
To contact the police in the event of an emergency or ongoing threat, dial 911. To report an emergency, ongoing threat, or potential criminal conduct, you may also contact the Orangetown Police Department at telephone number (845) 359-3700 or Campus Safety and Security at telephone number (914) 403-7531.
- M. Member of the College Community: Students, faculty, and staff of Dominican College.
- N. Responding Party: A member of the College community or a participant in a College program or activity who is reported to have engaged in sexual misconduct.
- O. Sex: The biological and physiological characteristics that define men and women, i.e. male, female, intersex.
- P. Sexual Contact: Intentional contact with another person's body, including but not limited to the breasts, buttock, groin, genitals, mouth, or neck in a sexual manner; touching another in a sexual manner with a person's body, including but not limited to the breasts, buttock, groin, genitals, mouth, or neck; or making another touch you or themselves in a sexual manner.
- Q. Sexual Misconduct: An umbrella term that is used to encompass unwanted or unwelcome conduct of a sexual nature that is committed without valid consent. Sexual misconduct is strictly prohibited under this Policy.

- R. Sexual Orientation: An individual's sexual identity in relation to the gender and/or sex to which the individual is sexually and romantically attracted.
- S. Survivor/Victim: An individual who has experienced or is reported to have experienced sexual misconduct. The College uses the more encompassing "survivor/victim," as opposed to "survivor" or "victim" because it acknowledges that individuals respond differently following acts of sexual misconduct and each individual must determine at his or her own pace whether and how they will become survivors without the College making any assumption. Survivor/victim may also be referred to as the reporting individual throughout this Policy.
- T. Title IX: A federal law, codified at 20 U.S.C. § 1681 et seq., that prohibits discrimination on the basis of sex in educational programs and activities. Specifically, the law provides that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under an educational program or activity receiving federal financial assistance."
- U. Title IX Coordinator: The Title IX Coordinator is the Dominican College employee responsible for ensuring that the College is complying with all Title IX regulations and is charged with the primary responsibility for coordinating the College's Title IX compliance efforts, including determining whether to go forward with an investigation, coordinating the investigation of a complaint, and implementing additional Title IX regulations.