

CARE

Campus Assault and Relationship Education

A Guide for Fordham University Students
2018-2019

FORDHAM UNIVERSITY

THE JESUIT UNIVERSITY OF NEW YORK

Students' Bill of Rights

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 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 institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University;
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 the 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 University.

Notification of Rights at the Time of First Disclosure

All individuals have the right to make a report to the Department of Public Safety, local law enforcement, and/or state police or choose not to report; to report the incident to Fordham; to be protected by Fordham from retaliation for reporting an incident; and to receive assistance and resources from Fordham.

Transcript Notation

In keeping with New York State Education Law Article 129-B (“Enough Is Enough”), if a student is suspended or expelled from the University after being found responsible for a crime of violence, including but not limited to sexual violence, and/or other crimes that meet the reporting requirements pursuant to the federal Clery Act, the University will record that fact on the student’s transcript. It will be noted that they were “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.” For a respondent who withdraws from Fordham while conduct charges are pending and declines to complete the conduct process, a notation will be placed on the transcript that the student “withdrew with conduct charges pending.” For more information, see the Sexual Misconduct Policy and Procedures section of the Student Handbook.

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Note: This booklet was created to address the issues of sexual offenses, stalking, and domestic or dating violence, and describe Fordham University’s policies and procedures for students. In addition, a list of on- and off-campus CARE resources can be found at the back of this booklet, starting on page 22.

The University may amend and revise these policies and procedures from time to time to comply with applicable laws, regulations, and governmental guidance. Nothing in these policies shall affect the inherent authority of Fordham University to take actions as it deems appropriate to further its educational mission or to protect the safety and security of our community.

For the most up-to-date version of this booklet, go to fordham.edu/CARE.

Fordham University Policy Statement on Sexual Offenses

Fordham University is committed to the development and support of its primary educational mission. The University will not tolerate any form of sexual misconduct such as rape, sexual assault, sexual harassment, or other forms of non-consensual activity, including stalking and/or domestic violence or dating violence, sexual exploitation, and other sexual misconduct. Sexual misconduct can occur between strangers, acquaintances, or people who know each other well, including those who are involved in an intimate or sexual relationship, and can be committed by anyone regardless of sex, gender, or gender identity. Fordham will take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent recurrence, and, as appropriate, remedy its effects. This policy statement and the CARE brochure support the University's Sexual Misconduct Policy and Procedures.

The University's Sexual Misconduct Policy and Procedures applies regardless of race, color, creed, religion, age, sex, gender, national origin, marital or parental status, sexual orientation, citizenship status, veteran status, disability, gender identity or expression, genetic predisposition, carrier status, or any other basis prohibited by law.

In addition, this policy applies to conduct that takes place on campus, off campus, and at Fordham University-sponsored programs or events, including Fordham University-sponsored study abroad programs or Fordham University academic, learning, and service programs located at off-campus sites. This policy also covers conduct that takes place off campus that occurs in the context of an education program or activity of the University and covers conduct that takes place off campus that has a continuing effect on campus or in an off-campus education program or activity.

Fordham University supports this policy through educational instruction on prevention, counseling, and medical support services. Educational programs include but are not limited to campus-wide distribution of the CARE brochure; online training for new students; new student orientation programs related to sexual violence; the CARE core program for new undergraduate students; peer education workshops on topics that include the nature of sexual misconduct and dating violence, keys to prevention, and coping with the aftermath of an assault; public safety presentations; residential life presentations; bystander intervention and sexual assault awareness programs; individual and group counseling; and other support services.

Fordham University responds to all sexual offense, stalking, and domestic or dating violence incidents with a trained response team that includes public safety; the dean of students; the Title IX coordinator; the deputy Title IX coordinator; the offices of residential life, health services, and counseling services; and off-campus resources as needed.

Fordham University will enforce its policy on sexual offenses through internal student conduct procedures that are fair, prompt, and impartial. Student conduct cases will be handled by the respective dean of students on each campus (or the dean's designee) who receives annual Title IX and sexual misconduct training.

Definitions of Sexual Offenses

The policy definitions of prohibited conduct and the definition of affirmative consent are listed below. All employees, students, faculty, and third parties who are enrolled, employed, or reasonably connected to the University are subject to these policies and possible discipline for

behavior that violates the policy definitions described below:

- A. Unlawful Sex and Gender Discrimination** is any action that denies a person access to, or the benefits of, any program or activity or employment opportunity, solely on the basis of sex or gender.
- B. Limitations on Consensual Relationships:** In order to protect the integrity of the University academic and work environment, this policy outlines limitations on consensual romantic or sexual relationships between and among faculty, staff, and students. When individuals are involved in a consensual romantic or sexual relationship and are in positions of unequal authority or power, there is the potential for a conflict of interest, favoritism, and exploitation of power.
- Anyone with supervisory, evaluative, or mentoring authority who controls or influences another person's employment, academic advancement, extracurricular or athletic team participation, scholarship or financial support, grades, recommendations, wage status, or promotion at the University is prohibited from having a romantic or sexual relationship with that person regardless of consent.
 - Faculty, employees, and staff are prohibited from having a romantic or sexual relationship with any undergraduate student, regardless of whether the faculty, employee, or staff member currently exercises or expects to have any pedagogical or supervisory responsibility over the student. For the purposes of this policy, if a graduate student teaches courses to any undergraduate students for a semester, then starting that semester in which the graduate student begins to teach undergraduate students, that graduate student is prohibited from having a romantic or sexual relationship with any undergraduate student. This policy rule applies to that graduate student for as long as that student is enrolled at the University, even if that graduate student is no longer instructing undergraduates.
 - If anyone is promoted into a position or has a change of circumstances that results in a conflict with this policy limiting consensual relationships, this information must be reported by the faculty, employee, or staff member to their supervisor or their respective vice president or to the vice president for human resources, who will contact the Title IX coordinator for assistance in resolving the conflict.
- C. Sexual Harassment** encompasses many of the specific policy definitions listed in the University's Sexual Misconduct Policy and Procedures located in the Student Handbook. Sexual harassment is a form of sex discrimination. It is defined as "unwelcome conduct" of a sexual nature, including but not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when ...
1. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic standing, or status in a program, course or activity; or
 2. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting an individual, or for academic evaluation, grades, or advancement; or
 3. such conduct is sufficiently pervasive, offensive, or abusive to have the purpose or reasonable effect of interfering with an individual's work or educational performance, or creating an intimidating, hostile, or offensive work or educational environment.

The effect of the conduct will be evaluated based upon the perspective of a reasonable person in the position of the complainant. “Unwelcome conduct” is conduct considered to be undesirable or offensive to the individual if that person did not request, consent to, or invite the particular conduct. Please see Affirmative Consent to Sexual Activity below.

Some examples of sexual harassment include but are not limited to ...

1. unwanted sexual advances, requests for sexual favors, or propositions of a sexual nature;
2. direct or implied threats that submission to sexual advances is a condition for employment, promotion, good grades, recommendations, etc.;
3. unwelcome verbal or physical conduct of a sexual nature which an individual regards as undesirable or offensive, including but not necessarily limited to sexually explicit jokes, or statements, questions, or remarks about sexual activity or experience;
4. physical assault, including rape.

D. Affirmative Consent to Sexual Activity for Incidents Involving Students: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary affirmative consent prior to and during sexual activity. The following is the University’s policy for affirmative consent to sexual activity that applies to sexual activity involving a student.

Affirmative Consent is defined as 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 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.

The Six Guiding Principles Regarding Consensual Sexual Activity: These principles, along with the above definition, will be used to evaluate whether sexual activity was consensual or violates our sexual misconduct policy:

1. 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.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. 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 upon the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.

Minors Lack Consent: According to New York state law, a minor, defined as anyone less than 17 years of age, is incapable of consenting to sexual activity with a person 18 years of age or older. The University adopts this prohibition of sexual activity by adults with minors on all University property, and at any and all University-sponsored activities or functions outside New York state regardless of out-of-state laws.

Consent to Sexual Activity Not Involving a Student: Consent is defined as all people in a sexual encounter agreeing to the sexual activity. Agreement to sexual activity is defined as informed, freely given and mutually understandable words or actions that indicate a willingness to participate in the particular sexual activity. A person may decide at any time that they no longer consent and want to stop the sexual activity.

E. Sexual Assault/Rape is defined as physical sexual acts against another person that include vaginal, anal, or oral sexual intercourse with another person, touching sexual or intimate parts of another person, or inserting a foreign object, however slight, into any sexual or intimate parts of another person ...

1. without consent from the other person, or by coercion or threat; or
2. when the other person is incapable of giving consent due to being physically or mentally helpless for any reason, including being asleep or unconscious at the time, or being incapacitated because of the use of alcohol or drugs; or
3. when the other person is unable to give consent due to a disability, mental incapacity, or age (a person under 17 years of age cannot consent to sexual activity with anyone over 18 years of age).

This definition includes but is not limited to any form of non-consensual intercourse and/or sexual activity, actual or attempted, by person(s) known or unknown to the victim. This includes assault by multiple offenders. See New York State Penal Law Section 130.00.

F. Sexual Exploitation and Other Sexual Misconduct occurs when someone takes advantage of another without that other person’s consent and exploits or attempts to sexually exploit that person. The following are activities prohibited under this provision:

1. Voyeurism or peeping, which is purposefully watching, videotaping, or recording another person without that person’s consent, while that person is naked, dressing or undressing, or engaging in sexual activity. This also includes allowing others to observe private sexual activity from hidden locations or by electronic means.
2. Sexual exhibitionism, where a person engages in sexually explicit activity in public spaces on campus or to be viewed by the public while on campus using computer hardware or software.
3. Displaying or distributing nude or sexually explicit images of another person on campus or the Internet without the person’s consent.
4. Sexual coercion, which is when someone threatens another by stating an intention or threat to expose the other person’s sexual orientation, consensual sexual experiences, sexually explicit photographs or videotapes or other images to family, friends, or the public.
5. Writing or marking of graffiti on University property that is sexually graphic in nature.
6. Unwelcome gestures of a sexual nature toward another person.
7. Fondling/forcible touching, which is defined as non-consensual touching of sexual

or intimate parts of another person for the purpose of degrading or abusing such persons or for gratifying the actor's sexual desire.

8. Prostituting another person or soliciting a prostitute to campus or a campus event to engage in prostitution.
9. Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge.
10. Incest, which is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
11. Stealthing, which is defined as the act of removing a condom during sexual intercourse without the knowledge or consent of the sexual partner, or the act of intentionally misleading a sexual partner to believe a condom is being used during sexual intercourse after having agreed to do so. Stealthing can occur between partners of the same or different gender/sexual identities.

G. Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. For purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker—directly, indirectly, or through third parties, by any method, action, device, or means—monitors, observes, follows, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstance and with similar identities to the victim. "Substantial emotional distress" means significant mental anguish or suffering that may but does not necessarily require professional treatment or counseling.

H. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where existence of such a relationship shall be determined based on the complainant's statement and with consideration of the following factors: (i) length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual, physical, or psychological abuse, or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

I. Domestic Violence means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under New York domestic or family violence laws.

J. Intimidation and Retaliation for Reporting: Any member of the University community or third party who attempts either directly or indirectly to violate a University No Contact Restriction or to intimidate, threaten, retaliate, interfere with, restrain, coerce, discriminate against, or harass any person for reporting, attempting to report, or responsibly pursuing a complaint, or any person who is a witness cooperating in a University investigation regarding possible violations of any of the University's policies

regarding sexual misconduct, will be subject to prompt and appropriate disciplinary action, including possible termination or expulsion from the University.

Protecting Yourself

While there is no substitute for respect for the dignity of others and nothing in this section either excuses sexual misconduct or places blame for its occurrence on a complainant, there is good advice here on how students can protect themselves. Though each individual student is unique and incidents vary, the majority of victims are known to be female (an estimated one in four women will be sexually abused, and one in eight will be raped in their lifetime). However, sexual offenses cross the boundaries of gender, age, class, race, and sexual orientation. Men as well as students identifying as other or no gender also experience sexual assault. Men are increasingly coming forward to seek assistance despite what for some may be complicated questions related to sexuality, shame, stigma related to masculinity, or reluctance to seek medical attention following an incident. In addition to the complex thoughts and feelings with which all survivors of sexual assault grapple, students identifying as lesbian, gay, bisexual, transgender, and/or queer may have particular concerns, especially if an incident also involved intolerance, hate, or other violence.

All students should be aware of behaviors that constitute a sexual offense, steps to protect themselves, and procedures to report an incident. The following section provides prevention information to protect yourself, along with descriptions of gang, acquaintance, and substance-related rape.

- **Trust Your Instincts:** Honor your gut reaction even if you don't know why you feel unsafe. If you are uncomfortable in a situation, leave immediately and seek help.
- **Be Alert:** Being aware of people, surroundings, and situations is the first step in preventing a sexual offense. Become familiar with your surroundings. Know how to contact police or campus public safety, and learn locations of public telephones and campus emergency phones.
- **Think Ahead:** Become familiar with safety and protection techniques, the University's Sexual Misconduct Policy and Procedures, and the procedure for reporting these incidents.
- **Reduce Your Risk:** Review the protection techniques in this brochure. For example:
 - Become familiar with the neighborhood.
 - Avoid excessive alcohol consumption and plan with friends to look out for one another.
 - The majority of sexual offenses are committed by someone the victim knows, so it is important to spend time with people you know well and trust.
 - Do what is right for you when it comes to sexual activity and let people know your limits as clearly as possible.
- **Know the Facts**
 - Consent must be active and full. If any type of manipulation, threat, or force is used to obtain a "yes" to sexual activity, the "yes" does not qualify as consent.
 - Silence does not mean "yes." If a person is afraid to say "no," physically immobilized as a result of coercion, or incapacitated due to drug or alcohol consumption or a mental disability, they are unable to consent to sexual activity.

- The respondents and complainants are intoxicated in the majority of reported sexual offenses on college campuses. Avoid excessive alcohol and other drug use. Alcohol and drug use can lead you to commit a sexual offense, blunt your alertness, and impair your ability to understand and respond to feelings and situations, making it more difficult to ask for and receive consent, or to resist peer pressure to engage in behaviors that put you at risk.
- **When You Are Going Out for the Evening**
 - Tell someone you trust where and with whom you're going and when you will return.
 - Go out with friends you trust and agree to look out for one another. Leave with a friend rather than alone or with someone you do not know very well.
 - Do not leave beverages unattended; always keep your drinks in sight.
 - Pay attention to your friends' behavior. Discourage friends from leaving with someone they don't know well—even if this person is an acquaintance.
 - Share this information with friends and talk about ways to look out for each other.
- **At Home and in the Residence Halls**
 - Never open your door to strangers. If you are not expecting anyone, use the peephole (if one is available) and ask for identification and the reason for their visit. Do not be afraid to ask questions or to call police or the Department of Public Safety to report suspicious people.
 - Never let someone into your building unless you know that person lives there.
 - Do not prop open any doors to your building. This is an easy way for a person to gain entry without anyone noticing.
- **Walking**
 - Constantly be aware of your surroundings—people, lighting, and situations.
 - Do not walk while wearing headphones or earbuds; it dulls your hearing and makes you less aware of what is happening around you.
 - Avoid walking alone at night. At Rose Hill, call Public Safety for the nearest van to off-campus locations or back to campus.
 - Walk close to the curb to avoid shrubs, dark doorways, and other places people can hide.
 - Do not take shortcuts through dark and isolated places.
 - Have your keys in your hand so that you do not spend time looking for them.
 - Blue light emergency phones are available at various locations on campus and are useful in calling for assistance.
- **Public Transportation**
 - Wait for trains in the off-hours waiting areas designated at each station.
 - Do not ride in empty subway cars; ride in the conductor's car.
 - Use station exits with the most activity.
 - Use only licensed yellow and green cabs or a reputable ride-sharing service.

- **Driving**
 - Keep your doors locked and windows rolled up while driving or parking your car.
 - If you feel threatened at a red light or stop sign, sound your horn and drive away.
 - Park your car in a place that is well lit at night.
 - Keep your car in good condition and filled with enough gas to make it to your destination.
 - Always know where you are going and how to get there.
 - Store valuables out of sight in your locked trunk.

Date/Acquaintance Rape and Gang/Group Rape

- Date/acquaintance rape occurs when you are forced or manipulated into having sex against your will by someone you know, whether that person is your date, a boyfriend, a girlfriend, a significant other, an acquaintance, a friend, a neighbor, a classmate, a co-worker, or a teammate. This is the most common form of sexual assault.
- Gang/group rape is defined as a sexual offense by more than one perpetrator. Peer pressure to participate in the sexual offense is a key factor in gang/group rape. Be aware that use of alcohol and/or drugs contributes to instances of such rape.

Preventing Date/Acquaintance Rape and Gang/Group Rape

- Communicate your expectations and limits, and demand that they be respected.
- When a person says “no,” they are communicating their limits, not rejecting you as a person.
- Do not assume that a person's past behavior applies to the present. People have the right to make different choices about their sexual activity and level of desired intimacy at any time.
- An absence of “no” does not equal “yes.” Silence could mean many things other than “yes.” It could mean fear of saying “no.” If someone is afraid to resist or fight back, they are unable to give consent.
- You are responsible for your actions. Your attraction to someone does not give you the right to ignore that person's expectations and limits.
- Listen carefully. Take the time to hear what a person is saying. If you feel they are not being direct or if you are receiving mixed messages, ask the individual to be clearer.
- Remember that date rape is a crime. It is never acceptable to use force in sexual situations, no matter what the circumstance. This applies whether the person is a date, a girlfriend or boyfriend, an acquaintance, a spouse, or a significant other.
- Having sex with a person who is mentally or physically incapable of consenting is rape. If you have sex with a person who is drugged, intoxicated, passed out, incapable of saying “no,” or otherwise unaware of what is happening around them, you may be guilty of rape.
- Avoid the use of drugs and alcohol. Drugs and alcohol can impair your ability to understand and respond appropriately to feelings and situations, and can increase your vulnerability by lowering your alertness and ability to react quickly.
- Be especially careful in group situations. Be prepared to resist pressure to participate in exploitative, violent, or criminal acts, and clearly communicate your disapproval.
- If you see someone in trouble or observe a friend trying to force or pressure someone into an unwanted situation, intervene. You may save the person from the trauma of a sexual assault.

- If you feel that you are being pressured into an unwanted situation, communicate your limits. If your partner does not listen to you, leave immediately.
- Say “no” to any unwanted sexual contact.
- Even if you are in a long-term relationship, you have the right to refuse sexual activity with your partner. Prior consent to sexual contact does not compel consent.
- If you are uncertain about what you want, ask your partner to respect your uncertainty.
- If you agree to go to a place where intimacy may be expected (e.g., bedroom or secluded area), both parties should state their limitations and expectations clearly.
- Do not be embarrassed to do what is right for you. Do not hesitate to raise your voice, stand up abruptly, scream or shout, or leave if you feel the situation warrants it.
- Trust your instincts. Leave a situation immediately and go to a safe place if you think you are in danger.
- Arrange to meet new friends in public places and, when possible, go meet them accompanied by good friends.
- Tell someone you trust where and with whom you are going and when you will return.
- Leave social events with your close friends instead of walking alone or with someone you don’t know very well.
- Always have money for transportation in case you must leave a situation abruptly, and have your cell phone on and charged.

Substance-Related Rape

Substance-related rape has been occurring more frequently in recent years. When secretly slipped into a beverage, even a glass of lemonade, sedating substances can leave anyone vulnerable to sexual assault. You may not be able to see it, smell it, or taste it. You don’t have to be at a bar or club; it could happen in any social setting. If an individual appears extremely intoxicated after consuming a non-alcoholic beverage, or only a small amount of alcohol, they may have unknowingly ingested one of a number of substances.

Preventing Substance-Related Rape

Although the often-tasteless drugs are hard to detect, there are precautionary steps one can take to reduce the risk of falling prey to this criminal conduct. For example:

- Do not leave beverages unattended; always keep your drinks in sight.
- Do not take any beverages, including alcohol, from someone you do not know very well and trust.
- At a bar or club, accept drinks only from the bartender or server.
- At parties, do not accept open-container drinks from anyone.
- Be alert to the behavior of friends. Anyone appearing disproportionately inebriated in relation to the amount they consumed may be in danger.
- Share this information with friends and talk about ways to look out for one another when you are at parties and social events.
- Anyone who believes that they have consumed a sedative-like substance (symptoms include low inhibition, confusion, impaired judgment, dizziness, extreme drowsiness, or

other sudden and unexplained symptoms) should be driven to a hospital emergency room or should call 911 for an ambulance as soon as possible. Bodily fluids can be examined for traces of these substances within hours of ingesting. Therefore, it is important to seek medical assistance for a blood test as soon as possible. Try to keep a sample of the beverage for analysis. If you or someone you know believes they have consumed a sedative-like substance, please contact your resident assistant, resident director, or the Department of Public Safety as soon as possible so they can assist you.

Rape Survivors: What You Can Do

The University seeks to make sure survivors of rape are cared for physically, psychologically, emotionally, and spiritually. Survivors have many decisions to make after an assault, including whether to tell anyone, whether to go to the hospital, or whether to file a public safety report or a police report or both. It can be difficult to make these decisions after having endured a trauma. At Fordham, trained professionals are standing by to offer support and guidance to survivors.

1) Collect Your Thoughts, Take a Breath and Call for Help. After an attack, try to remain as calm as possible in order to think clearly. Find a safe place and get help from someone you trust. Any of the following resources can be called upon for assistance: the Fordham University Department of Public Safety, a resident director, a resident assistant, a commuter assistant, the health center, and/or the counseling center. A staff member of the same gender will be available to respond at all times, if that is the preference of the rape survivor. Please refer to the resource list beginning on page 22 of this brochure for important telephone numbers.

2) Do Not Change, Shower, or Destroy Any Clothing. It is important to remain in the same condition as when the attacker left. This means: not changing, washing, or destroying any clothing; not washing any part of the body; not douching; and not combing one’s hair. The survivor should also leave the crime scene exactly as it is, not touching anything or cleaning up or throwing anything away. While this may be difficult to do emotionally, it is advisable because the survivor may wish to prosecute the perpetrator at a later time, and will want as much of this critical evidence as possible to admit in court.

3) Seek Immediate Medical Attention. It is strongly recommended that the rape survivor get medical attention as soon as possible using the resources listed in the back of this brochure.

At Rose Hill, the Fordham University Emergency Medical Service (FUEMS) is available 24 hours a day and can be contacted by calling the Department of Public Safety at 718-817-2222.

An emergency medical technician (EMT) will be on duty along with other student volunteers who will transport and accompany the survivor to the hospital. They will also explain and assist the rape survivor through the initial medical treatment procedures. If necessary and requested by the survivor, alternate arrangements can be made through the Fordham University Department of Public Safety. At the survivor’s request, a friend, a member of the residential life staff, a nurse from the health center, or another staff member may also accompany them to the hospital.

At Lincoln Center, ambulance services can be secured by contacting the Department of Public Safety at 212-636-6076.

At the Westchester campus, ambulance services can be secured by contacting the Department of Public Safety at 914-367-3333.

At the hospital, internal and external injuries will be treated, and measures can be taken to test for and deal with the possibilities of sexually transmitted diseases and pregnancy. A hospital visit is necessary to collect evidence, through a rape examination, in the event that criminal charges will be filed. A rape survivor can request a Sexual Assault Nurse Examiner (SANE) to be present; these nurses are specially trained to treat survivors of sexual assault and, if desired, to collect evidence through a rape examination. A victim advocate can also be called upon to support the survivor and assist in making decisions. Please see the CARE Resources list (beginning on page 22 of this booklet) for information as to which hospitals have SANE programs.

A rape examination allows evidence to be collected in case a rape survivor wishes to prosecute, even at a later time. The examination, however, must be conducted within 72 hours of the incident and includes pelvic examination and testing for the presence of semen; sexually transmitted disease testing; and treatment for possible infection, which may involve antibiotics. In order for medical treatment to be provided, the survivor need only consent to the medical examination. In most cases, the hospital will document and store evidence for a specified time period. The survivor is not required to report the incident to the police. However, depending on where you are being treated, the hospital may be required to report an incident of sexual assault to the local police. In certain cases, the University must notify local law enforcement as required by New York state law. The police will respond and investigate the allegation. The rape survivor makes the decision on whether or not they wish to bring criminal charges against the offender. The hospital never refuses services, but they are required to bill your insurance company. The survivor should bring their student ID.

4) Document Details About the Incident. It is advisable for the rape survivor to write down every detail about the incident that they can remember. Not only can this assist in filing student conduct or criminal charges (even at a later time), but it can also aid in recollection that may assist in the healing process. The survivor should note the following:

- The “who, what, when, where, and how” of the incident.
- What the perpetrator looks like, any identifying marks or scars, and a description of any vehicle used.
- What kind of force or coercion was used.
- Any objects touched, taken, or left by the perpetrator.
- Anything the perpetrator said, including the words, the grammar, any accents, or speech defects.
- Any possible witnesses, including who and where they may be.

The rape survivor is encouraged to bring this information to the attention of Public Safety or the dean of students, who can help ensure survivor and community safety, connect the rape survivor with care, and assist in the process of filing a student conduct or police report. If the New York City or Harrison police departments are to be involved and criminal charges filed, the above information is crucial.

5) Follow-Up Treatment. For many sexual assault survivors, the time following the sexual trauma can be painful and confusing. Psychological and/or spiritual counseling can

assist with coping in the aftermath of an assault. Even after the actual incident, survivors may experience various post-traumatic symptoms, including nightmares; flashbacks; emotional numbness; sleep or concentration difficulties; hyper-vigilance; recurrent and intrusive thoughts; and avoidance of social, recreational, work, or academic activities. In addition, survivors sometimes blame themselves; feel upset about the reactions of their friends or family; feel ashamed, confused, or angry about what has happened; and question their core beliefs. While these responses are normal and understandable, they can be difficult for some survivors to manage alone. Many find solace in sharing their story in a supportive and confidential professional setting. It is also possible to learn new coping skills to facilitate a return to activities that the person finds meaningful and important.

Counseling and Psychological Services has licensed mental health professionals who are available and trained to assist survivors of sexual assault, and all services are free and confidential to the extent of the law. Pastoral counselors in the Office of Campus Ministry are also available to speak to survivors, and their services are free and confidential. Medical providers in University Health Services are available to speak with survivors, and their services are free and confidential. The resident directors and resident assistants are also available to provide follow-up referral information and support.

Alcohol and/or Drug Use Amnesty Policy

The health and safety of every student at Fordham is of utmost importance. Fordham 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. Fordham strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Fordham 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 Fordham officials or to law enforcement will not be subject to adjudication under Fordham's Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commissions of the domestic violence, dating violence, stalking, or sexual assault.

Reporting Procedures for the University

Students who believe they have experienced a sexual assault, sexual violence, stalking, or domestic or dating violence are strongly encouraged to report these situations to the University. There are several options, but please report to the Department of Public Safety immediately if you feel you are in any way in danger or need emergency assistance. Other options include the following:

- Confidential Resources: Students may confidentially explore the situation and options available with a clinical counselor at Counseling and Psychological Services, a pastoral counselor in Campus Ministry, and/or a medical provider in University Health Services without filing an official complaint.
- Internal Reporting: Students can make a formal complaint to the dean of students, the Department of Public Safety, the Title IX coordinator, or the deputy Title IX coordinator, and the University will investigate the complaint internally.

- External Reporting: Students have every right to report the situation to the New York Police Department or the Harrison Police Department (in Westchester). If a student chooses to make such a report, a member of the University staff will be available to accompany the student throughout the process.

If the student reports to any faculty or staff member other than a clinical counselor in Counseling and Psychological Services, a pastoral counselor in Campus Ministry, or a medical provider in University Health Services, an incident report will be written and an administrative support person (ASP) will be assigned to both the complainant and the respondent. The ASP is a trained member of the University's staff and will ...

- carefully explain all support resources available to the student, including information on medical, counseling and mental health, rape advocacy, and legal assistance;
- arrange for any assistance the complainant or respondent may need;
- accompany the student to relevant interviews, meetings, and proceedings as desired and as permitted by outside entities;
- explain the investigation and conduct processes;
- review the University's formal reporting procedures and possible sanctions;
- review the formal reporting procedures of the local police agency;
- provide documents relevant to the investigation and conduct processes;
- provide options for, and available assistance in, changing academic, living, transportation, and working situations if so requested, and if such changes are reasonably available.

In a sexual offense case, the complainant may notify the Department of Public Safety whether or not they **go to the hospital** for a sexual assault examination. The complainant should refrain from washing, using the toilet, and changing clothes in order to preserve evidence prior to a medical examination. However, in the event that the complainant decides to file criminal charges, a hospital visit is recommended in order to collect evidence through a rape examination. Staff will be available to accompany students to medical care.

Personal information about the complainant and respondent and other records will remain **confidential** insofar as such confidentiality does not interfere with the University's right to investigate allegations of misconduct and take corrective action where appropriate.

It is generally the **complainant's decision** whether to file a complaint or to continue with any form of resolution. Confidentiality will be respected insofar as it does not interfere with the University's right to investigate allegations of misconduct and take corrective action where appropriate. For additional information regarding confidentiality, please see "Requests for Confidentiality" in the Sexual Misconduct Policy and Procedures section of the Student Handbook.

If a complainant elects to initiate a **formal complaint** against another student or group of students, an incident report from the Department of Public Safety is filed with the dean of students and deputy Title IX coordinator. Such a complaint would be handled in accordance with the Sexual Misconduct Policy and Procedures and the Student Conduct System as listed in the Student Handbook. The deputy Title IX coordinator, the dean of students on the campus where the respondent is enrolled, or the dean's designee serves as the hearing officer and conducts the student conduct process; however, if the complainant is enrolled at another campus, the complainant is typically interviewed on their own campus.

When the respondent is determined by the hearing officer to present a continuing threat to the health or safety of the community, the respondent may be **suspended on an interim basis** pending the outcome of the student conduct process. Both the respondent and the complainant may request a review of the need for and terms of the interim suspension, including potential modification, and will be allowed to submit information in support of their request.

A **No-Contact Restriction** will be put in place between the complainant and the respondent. The hearing officer will issue verbally or in writing a directive restricting contact between the complainant and the respondent. This includes but is not limited to telephonic, electronic, text, written, or direct verbal contact, and also prohibits a student from passing messages via other individuals. A student who wishes to report a violation of a No-Contact Restriction can contact the issuing office during business hours or the Department of Public Safety or administrative support person at any time. In sexual misconduct situations, if the respondent and the complainant observe each other in a public place, it shall be the responsibility of the respondent to leave the area immediately and without directly contacting the complainant. Students who violate a No-Contact Restriction are subject to student conduct sanctions.

In addition, if the respondent and the complainant live in the **same residence hall** or in close proximity to one another, the respondent may be asked to relocate pending the outcome of the student conduct process. Also, if the respondent and complainant are in **class(es)** together, it is possible that the respondent may be asked to leave that class pending the outcome of the student conduct process.

Both the respondent and the complainant may request a review of the need for and terms of the No-Contact Restriction, including potential modification, and will be allowed to submit information in support of their request.

After the initial report and once the University's conduct process begins, complainants and respondents will be accompanied by the ASP (who cannot actively participate), and the complainant or respondent may also be accompanied by one **advisor of their choice** who may assist, advise, and support the student throughout the conduct process and be present for related meetings or proceedings but cannot actively participate. The choice of whether or not to invite an advisor is solely that of the student(s) involved. An advisor may not participate in the conduct process in any other capacity in reference to the same incident, including, but not limited to, serving as a witness, co-complainant, or co-respondent.

The hearing officer must be advised in writing that an advisor will be present at least 48 hours before the scheduled meeting or proceeding. This notification must include ...

- The full name and title of the advisor of choice
- Contact information for the advisor of choice (phone, email, and mailing address)

The complainant/respondent is encouraged to provide the contact information of the hearing officer to the advisor of choice in advance of the meeting or proceeding. The hearing officer will answer any questions that the advisor may have about the process and the advisor's role in it. In circumstances calling for an expedited hearing, the hearing officer may shorten the required notification time period.

If the advisor is an attorney, this must be disclosed to the University in advance. The University reserves the right to have its own legal counsel present during the conduct process.

If any advisor's conduct is not consistent with these guidelines, he or she may be excluded from

the conduct process. The availability of an advisor to attend a conduct meeting, interview, or hearing shall not unreasonably interfere with or delay the proceedings.

Possible sanctions for students found in violation of sexual offense, stalking, or domestic or dating violence policies range up to and include suspension or expulsion from the University. Depending on the actual policy violation, the possible sanctions include (but are not limited to) a disciplinary reprimand, residence hall probation, student life probation, suspension or expulsion from University housing, University disciplinary probation, and suspension or expulsion from the University.

In a case where there is an allegation of a sexual offense, stalking, or domestic or dating violence that constitutes a violation of the University Code of Conduct, both the complainant and the respondent will be simultaneously informed in writing of the final outcome of a student conduct investigation.

In a sexual offense, stalking, or domestic or dating violence case, the complainant and the respondent may file an **appeal** before a panel. Appeals must be presented in writing to the senior vice president for student affairs within two business days of notification of the sanction(s) imposed. All appeals will be conducted in a fair, impartial, and equitable manner by decision maker(s) free of any conflict of interest. The respondent and complainant can file a written appeal based upon (1) a material procedural error that could significantly impact the outcome of a case; (2) a claim that the sanction is substantially disproportionate to the finding(s); or (3) material relevant evidence that was previously unavailable that could significantly impact the outcome of a case. All respondents and complainants will be notified in writing of any appeal and the final outcome post-appeal. Please see the Sexual Misconduct Policy and Procedures section of the Student Handbook for additional information regarding the student conduct appeal process.

The student conduct process for sexual offense, stalking, or domestic or dating violence situations will take no more than 60 days from the day the complainant requests that the University's investigation and student conduct processes commence. Some cases are handled more rapidly while others can take longer depending on the details of the case, the time of year, and other factors. Fordham works to expedite these matters. If the process will take longer than 60 days, both the complainant and the respondent will be notified in writing as to the delay and the reason for the delay.

In keeping with New York State Education Law Article 129-B ("Enough Is Enough"), if a student is suspended or expelled from the University after being found responsible for a crime of violence, including but not limited to sexual violence, and/or other crimes that meet the reporting requirements pursuant to the federal Clery Act, the University will record that fact on the student's transcript. It will be noted that they were "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." For a respondent who withdraws from Fordham while conduct charges are pending and declines to complete the conduct process, a notation will be placed on the transcript that the student "withdrew with conduct charges pending." For more information, see the Sexual Misconduct Policy and Procedures section of the Student Handbook.

Please refer to the Student Handbook for more information regarding the University student conduct process.

Title IX Student Conduct Process

Each case is different and needs to be handled with care, but here are the typical steps that are followed in a Title IX student conduct process:

- The deputy Title IX coordinator and the dean of students are notified.
- The complainant is assigned an administrative support person to assist them in receiving assistance and understanding the process and available resources.
- The Department of Public Safety investigates the incident and may interview the complainant, the respondent, and any possible witnesses, and may ask for a written statement from the complainant and the respondent.
- The complainant decides whether they want to make a formal complaint.
- If a formal complaint is made, the report goes to the deputy Title IX coordinator or the dean of students (or the dean's designee) who will serve as the hearing officer, and a case should take no more than 60 days from the day the complainant requests that the University's investigation and student conduct processes commence. If these processes will take longer than 60 days, both the complainant and the respondent will be notified in writing as to the delay and the reason for the delay. Delay can sometimes, but not always, be imposed by complexity of the incident/complaint, holiday closures of the University, breaks in the class schedule, midterm and final examinations, as well as the need to coordinate multiple parties for interview meetings and hearings.
- The respondent is assigned an administrative support person to assist him or her in receiving assistance and understanding the process and available resources.
- A written notice is sent to both the complainant and the respondent informing them that the student conduct process is underway.
- Once the conduct process begins, the complainant and the respondent are each entitled to have one advisor of their choice accompany them (but not participate in any way) in the conduct process meetings and proceedings.
- The complainant and respondent are offered the opportunity to review the case file.
- The complainant is interviewed by the hearing officer.
- The respondent is interviewed by the hearing officer, usually during their conduct hearing.
- Relevant witnesses are interviewed.
- A second complainant interview is conducted by the hearing officer.
- A second respondent interview is conducted by the hearing officer, usually during their conduct hearing.
- Additional interviews are conducted as needed by the hearing officer.
- A decision as to whether the University's Code of Conduct, University Regulations, and/or Office of Residential Life policies have been violated is made based on a preponderance of evidence.
- If violations have been determined to have occurred, appropriate sanctions are issued.
- Both the complainant and the respondent are entitled to make an impact statement to the hearing officer at the time of sanctioning and, in any case, at least 48 hours in advance of the scheduled meeting to provide notification to the complainant and respondent as to the outcome of the conduct process.

- Written notification of a decision is given simultaneously to both parties.
- Complainants and respondents are given the opportunity to appeal the decision before a panel.

It should be clearly understood that a complainant of sexual offense, stalking, or domestic or dating violence always has legal recourse outside the University. If civil or criminal proceedings are filed, the University reserves the right to conduct its own investigation and proceedings notwithstanding the status or resolution of any civil or criminal proceedings.

Reporting Procedures for the Local Police Departments

Students who choose to notify local police can always do so by calling 911. Students should not hesitate to notify the Department of Public Safety, who can facilitate and expedite the response by local police for our students. Oftentimes, Public Safety can get students immediately to the investigating detectives units trained to gather information about sex crimes and to explain the investigative process of the police department. This helps our students avoid having to first explain their complaint to uniformed officers, then having to explain the complaint again to detectives assigned to investigate. Special Victims Units investigate sexual assaults, while local precinct detective squads investigate stalking, and domestic or dating violence cases.

In sex offense cases, the officers who respond to the call will want to examine the scene of the crime and obtain evidence (clothes, sheets, etc.). If the respondent is known to the complainant, the police will want to interview the respondent and any witnesses to the incident. They will also encourage the filing of a formal complaint. If a complainant would like to press criminal charges against the perpetrator, a hospital visit should be made as soon as possible. It is best that physical evidence be collected at the hospital as soon as possible. The police will encourage a hospital visit at the time of the incident and can assist the complainant in securing necessary transportation to the hospital. If charges are filed but no arrest has been made, a complainant may have the option to decline further prosecution. If the respondent already has been arrested and indicted, withdrawing charges may not necessarily be an option for the complainant.

What If I Am a Bystander and See Something Is Wrong?

If anyone suspects a friend, acquaintance, or stranger may be in a high-risk situation for becoming a victim, is being victimized, or has been a victim of any form of sexual offense, stalking, or domestic or dating violence, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively, and to act in a way to assist a person whether it is before, during, or after an incident takes place. Bystanders are also encouraged to contact the appropriate person listed in the Sexual Misconduct Policy and Procedures section of the Student Handbook, or the Fordham University Department of Public Safety at 718-817-2222; if someone is in immediate danger, please immediately notify the Department of Public Safety at 718-817-2222. There is no legal obligation for a bystander to act or intervene.

The following are suggestions for safe and positive bystander actions:

Do's

- Take steps to stop a friend who chooses to use violence.
- Ask a friend, acquaintance, or stranger who is attempting to take sexual advantage of another to stop and leave the location.

- Take the initiative to help friends who aren't thinking clearly avoid becoming targets of violence.
- Prevent an intoxicated person from going to a private location with an acquaintance or friend.
- Recognize dating or domestic partners who cause fear or physical pain to their partner, and voice your concerns where appropriate (e.g., by referring the person to the counseling center).
- Avoid situations where intoxicated people (complainants, respondents, or both) may be unable to consent.
- Contact the Department of Public Safety at 718-817-2222, the dean of students, or another person of authority who can assist.

Don't's

- Don't walk/run alone in secluded areas or at night.
- Don't leave a friend or acquaintance alone at a party or bar.

Am I Required to Intervene and Act as a Bystander?

No, there is no legal obligation in New York state for a bystander of a potentially violent situation or crime to intervene or act.

Help Create a Safer Campus Environment.

Fordham University educates students in the Jesuit tradition, which includes promoting deep respect for individuals and others, and creating a community of responsible citizens. Bystanders are encouraged to act if there are safe and reasonable ways to intervene or discourage people from being uncivil toward each other in an effort to foster a safer environment for everyone. Campus security authorities are required to act in certain circumstances and must report all incidents immediately.

How to Help a Friend Affected by Sexual Violence

Believe What You Hear

Remember that survivors of sexual violence often worry that sharing what has happened to them will lead others to abandon, reject, or even retaliate against them. Being able to show you care could be the reason that your friend feels safe continuing to seek support.

Don't Judge

For students who have been sexually assaulted on college campuses, feeling judged and having their privacy violated by trusted peers, friends, and roommates can feel as traumatizing as the assault itself. To best help your friend, discuss your discomfort or concerns later with a trusted confidential resource, not in the moment.

Remember Your Role

While we might feel an instinct to gather details of the incident first, the best way to support a friend after an assault is often to affirm what they tell you. Ask whether your friend feels safe now, what they feel would be most helpful now, and whether they are interested in expanding their support system.

Offer to Connect

If and when your friend feels like the time is right to reach out for more support (such as academic, housing accommodations, conduct process), you can offer to connect your friend to the resources available. Remember that there are many trusted resources on and off campus that they and their support system can utilize.

Seek Support

This is a very important part of helping a friend through the healing process. Throughout your conversations with anyone who talks to you about sexual violence, ask yourself whether now is a time to bring in a professional support system in order to take care of yourself. Remember to respect your friend's privacy by avoiding sharing any details or personal information with others.

One final word: Anyone who suspects that someone on campus is in danger should immediately notify the Fordham University Department of Public Safety at 718-817-2222.

CARE Resources**Fordham University Campus Resources****OFFICE OF RESIDENTIAL LIFE**

Resident assistants, resident directors, and central office staff are trained to provide support and assistance to both complainants and respondents. Resident assistants are on duty all night, every night, and present in the Residence Hall Offices (RHOs) from 6:30 to 9:15 p.m. at Rose Hill and from 7 to 10 p.m. at Lincoln Center. A resident director is on call at all times. All staff in Residential Life are required to report sexual misconduct situations to their supervisors and ultimately to the Department of Public Safety.

COUNSELING AND PSYCHOLOGICAL SERVICES (CPS)**OFFICE HOURS:**

Monday–Thursday, 9 a.m. – 7 p.m.; Friday, 9 a.m. – 5 p.m.

Rose Hill | O'Hare Hall, Lower Level | 718-817-3725

Lincoln Center | 140 W. 62nd St., G02 | 212-636-6225

Westchester | Please see the Counseling and Psychological Services section of the Fordham website (fordham.edu/counseling) for office location and contact information.

In emergency situations or after hours, please contact a resident assistant, resident director, or the Department of Public Safety for assistance. These staff members can contact the Counseling and Psychological Services professional staff as necessary to respond during off hours.

- Counseling services are available to all students who have experienced a sexual offense, stalking, or dating or domestic violence.
- Crisis, urgent, and walk-in appointments are available.
- All CPS clinical services are free and confidential to the extent of the law. Clinical staff are not required to report sexual misconduct situations unless there is an immediate threat to you or others.
- All CPS counselors are qualified to assist students who have experienced a trauma, including rape, sexual assault, stalking, and domestic violence.
- Consultation is available to administrators, faculty, family members, or students who are concerned about a student.

UNIVERSITY HEALTH SERVICES**Rose Hill | O'Hare Hall, Lower Level | 718-817-4160**

Nurse practitioners are available as follows:

- Monday–Friday, 8 a.m. – 6 p.m.; Saturday and Sunday, 10 a.m. – 3 p.m.
- No fee

Lincoln Center | 140 W. 62nd St., G16 | 212-636-7160

Nurse practitioners are available as follows:

- Monday and Tuesday, 10 a.m. – 6 p.m.
- Wednesday, 9 a.m. – 5 p.m.
- Thursday, 9 a.m. – 5 p.m.
- Friday, 10 a.m. – 5 p.m.
- Saturday, 10 a.m. – 3 p.m.
- No fee

University Health Services (UHS) on both campuses has nurse practitioners who are Sexual Assault Nurse Examiners (SANE). They are specifically trained to assist survivors of sexual assault and can assist in the medical care, follow-up/referral process, and provide general support to survivors. Emergent cases presenting to the UHS will be referred to a hospital in the area that specializes in the care of sexual assault. Students presenting for a possible exposure to sexually transmitted infections can and will be treated by UHS. If those particular students are identified as possible victims of a sexual assault, they will be referred to an outside agency specializing in the care of a sexual assault.

University Health Services medical providers are not required to report sexual misconduct situations unless there is an immediate threat to you or others. However, medical providers in University Health Services are required to report aggregate data without identifying information.

Fordham University Emergency Medical Services (FUEMS) is a part of University Health Services on the Rose Hill campus. Students can contact FUEMS by calling 718-817-2222. All calls should indicate the nature of the incident and whether a specific gender staff member will be needed. FUEMS provides Emergency Medical Technicians on duty, referrals, and transportation to the hospital at no fee.

DEPARTMENT OF PUBLIC SAFETY

Rose Hill | Thebaud Annex | 718-817-2222

Lincoln Center | Lowenstein Center | 212-636-6076

Westchester | 400 Westchester Avenue | West Harrison, N.Y. | 914-367-3333

- Immediate response 24 hours a day by experienced public safety supervisors who are former law enforcement professionals.
- Incident reports prepared, which may be valuable documents if the case is pursued at a later date, either through law enforcement or through a University student conduct process.
- Will summon the police department that has jurisdiction, after conferral with the victim, and work closely with this agency.

As part of the freshman CORE programming series, public safety staff provide a presentation to all incoming students on personal safety, residence hall security, and living in an urban environment. In addition, public safety procedures are discussed with prospective and accepted students and their parents at open house programs sponsored by the Office of Undergraduate Admission and at New Student Orientation events sponsored by the Office for Student Involvement. The Department of Public Safety apprises students of events affecting their personal safety by issuing public safety alerts and by providing the student newspaper with a synopsis of criminal incidents for publication in weekly editions.

TITLE IX COORDINATOR

Kareem Peat

Title IX Coordinator

Cunniffe House, Room 114, Rose Hill Campus | 718-817-3112 | TitleIX@fordham.edu

The Title IX coordinator is responsible for the University's compliance efforts and coordinating the University's response to all complaints involving possible sex discrimination, and is informed of all sexual misconduct complaints throughout the University. The coordinator collects all data for all of the University's sexual misconduct complaints in order to monitor the timeliness of the process, to track outcomes, to identify and address any patterns or systemic problems revealed by such reports and complaints, and to assess effects on the campus climate. The Title IX coordinator is responsible for coordinating the employee conduct process where a staff member, faculty member, or third party may be found responsible for violating this policy. This includes complaints brought by students, faculty, staff members, or third parties against a faculty member, staff member, or third party.

The Department of Public Safety conducts investigations for all Title IX cases involving complaints by students against other students. The deputy Title IX coordinator or the dean of students on the campus where the respondent is enrolled conducts the student conduct process and, if necessary, imposes student conduct sanctions for students found in violation of these policies. The Division of Student Affairs oversees the student conduct process when a student may be in violation of the Sexual Misconduct Policy and Procedures, and is responsible for keeping a record of these matters. At times, designees can be assigned to carry out these duties.

CAMPUS MINISTRY

Rose Hill | McGinley Center, 1st Floor | 718-817-4500

Monday-Friday, 10 a.m. - 6 p.m.

Lincoln Center | 140 W. 62nd St., Room 141 | 212-636-6267

Monday-Friday, 9 a.m. - 5 p.m.

Westchester | Room 133 | 914-367-3420

Tuesday-Thursday, 10 a.m. - 6 p.m.

In emergency situations or after hours, please contact a resident assistant, resident director, or the Department of Public Safety for assistance. These staff members can contact professional staff members from the Office of Campus Ministry as necessary to respond during off hours. All pastoral services are free and confidential. Pastoral counselors are not required to report sexual misconduct situations unless there is an immediate threat to oneself or others.

Off-Campus Resources

POLICE AGENCIES

**48th Precinct (Rose Hill) | 450 Cross Bronx Expressway, Bronx, N.Y.
718-299-3900**

**20th Precinct (Lincoln Center) | 120 W. 82nd St., New York, N.Y.
212-580-6411**

- Maintains a Sex Crimes Unit—officers trained in investigating sex crimes
- Hotline: 212-267-7273
- The hotline can be contacted directly and used to aid victims of sex crimes anonymously.
- The hotline is staffed by female officers.

Harrison P.D. (Westchester) | 650 North St., Harrison, N.Y. | 914-967-5110

**New York State Police 24-Hour Hotline for Reporting Sexual Assault on New York
College Campuses: 844-845-7269**

RAPE AND VIOLENCE CRISIS CENTERS

RAPE Crisis Hotline

- 914-345-9111
- 24 hours a day
- Confidential
- Free and immediate support and assistance

Safe Horizon's Rape/Sexual Assault and Incest Hotline

- 212-227-3000
- 24 hours a day

- Confidential
- Free
- Safety planning, crisis counseling, advocacy with the police

NYC Domestic Violence Hotline

- 800-621-HOPE (4673)

Gay and Lesbian Anti-Violence Project

- 212-714-1141

New York State Domestic Violence Hotline

- 800-942-6906

New York State Office of Victim Services

- 800-247-8035 or www.ovs.ny.gov

HOSPITALS

ROSE HILL

Sexual Assault Response Treatment (SART) programs include emergency room physicians, forensic nurses, and social workers who have been specifically trained in treating victims of sexual assault and rape. SARTs take a multidisciplinary approach, combining medicine, law enforcement, and victim advocacy to ensure that sexual assault victims receive appropriate medical attention, evidentiary examinations, emotional support, and referral information.

The following institutions feature SART programs:

North Central Bronx Hospital | 3424 Kossuth Avenue, Bronx, N.Y. | 718-519-5000
 Jacobi Medical Center | Pelham Parkway South, Bronx, N.Y. | 718-918-5000

The following institutions have general emergency departments without SART programs:

St. Barnabas Hospital | 183rd Street and Third Avenue, Bronx, N.Y. | 718-960-9000
 Montefiore Medical Center | 111 E. 210th St., Bronx, N.Y. | 718-920-4321
 Montefiore North | 613 E. 233rd St., Bronx, N.Y. | 718-920-9000

LINCOLN CENTER

Mt. Sinai West Emergency Room | 1000 Tenth Avenue (59th Street), New York, N.Y.
 212-523-4000

Specialized Services for Victims of Violent Crime and Sexual Assault

The Crime Victims Treatment Center (CVTC) at Mt. Sinai is one of the largest and most comprehensive hospital-based victim treatment centers in New York. Its direct number is 212-523-4728. As the first hospital in New York to establish a specialized and highly acclaimed treatment service for victims of sexual assault, they have Sexual Assault Forensic Examiners (SAFE) available 24 hours a day. These examiners devote their full attention to the needs of the victim and, only with the victim's consent, collect evidence that can be used to prosecute a crime.

The following is a general emergency department without SART or SAFE programs:

Lenox Hill Hospital | 100 E. 77th St., New York, N.Y. | 212-434-3030

WESTCHESTER

Westchester County Medical Center | 100 Woods Road, Valhalla, N.Y. | 914-493-7000
 White Plains Hospital Medical Center | 41 East Post Road, White Plains, N.Y.
 914-681-0600

COMMUNITY LEGAL SERVICES

National Crime Victims Bar Association

- 202-467-8753
 For assistance pursuing civil justice for crime victims

NYS Crime Victims Board

- 800-247-8035
 Legal help and information provided by the New York State Office of Victim Services

LawHelp.org

A website dedicated to helping persons in need find legal help, organizations, resources, and information for various circumstances

Connect, Inc.

- 212-683-0605
 Provides legal information and advocacy to survivors of domestic violence

Break the Cycle

- 800-214-4150
 Serves individuals ages 22 and under seeking orders of protection and related Family Court matters

Division of Student Affairs: CARE Contacts

Associate Vice President for Student Affairs/Deputy Title IX Coordinator

Michele Burris | Keating Hall, Room 100 | 718-817-4750 | mburris@fordham.edu

Assistant Vice President/Dean of Students at Rose Hill

(also serves as the contact person for the Louis Calder Center Biological Field Station)

Christopher Rodgers | McGinley Center, Room 242 | 718-817-4755
deanrodgers@fordham.edu

Assistant Vice President/Dean of Students at Lincoln Center

(also serves as the contact person for the Westchester campus)

Keith Eldredge | 140 W. 62nd St., G33 | 212-636-6250 | eldredge@fordham.edu

Assistant Dean of Students/Director of Residential Life at Rose Hill

Kimberly Russell | Loschert Hall Basement | 718-817-3080

Associate Director of Residential Life for Student Conduct at Rose Hill

Alex Fischer | Loschert Hall Basement | 718-817-3080

Senior Director of Residential Life at Lincoln Center

Jenifer Campbell | McMahon Hall, Room 108 | 212-636-7100

Director of Counseling and Psychological Services

Jeffrey Ng, Psy.D. | Rose Hill: O'Hare Hall, Lower Level | 718-817-3725
Lincoln Center: 140 W. 62nd St., G02 | 212-636-6225

Director of University Health Services

Maureen Keown | Rose Hill: O'Hare Hall, Lower Level | 718-817-4160
Lincoln Center: 140 W. 62nd St., G16 | 212-636-7160

Assistant Dean for Student Involvement at Rose Hill

Cody Arcuri | McGinley Center, Room 213 | 718-817-4339

Senior Director for Student Involvement at Lincoln Center

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Assistant Vice President for Student Affairs for Diversity and Inclusion

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Frequently Asked Questions**What are my options?**

A student who believes they have experienced sexual assault, sexual violence, stalking, or domestic or dating violence is strongly encouraged to report these situations to the University. There are several options, but please report to the Department of Public Safety immediately if you feel you are in any way in danger or in need of emergency assistance.

Other options include the following:

- Confidential Resources: The student may confidentially explore the situation and options available with a clinical counselor at Counseling and Psychological Services, a pastoral counselor in Campus Ministry, and/or a medical provider in University Health Services without filing an official complaint.
- Internal Reporting: The student can make a formal complaint to the dean of students, the Department of Public Safety, the deputy Title IX coordinator, and/or the Title IX coordinator, and the University will investigate the complaint internally.
- External Reporting: The student has every right to report the situation to the New York Police Department or the Harrison Police Department (in Westchester). If the student chooses to make such a report, a member of the University staff will be available to accompany the student throughout the process.

How do I make a formal report with the University?

Students are encouraged to report incidents to the Department of Public Safety; the dean of students; a member of the staff, such as a resident assistant, commuter assistant, or resident director; a faculty member; or another member of the University's administrative staff. With the exception of clinical counselors in Counseling and Psychological Services, pastoral counselors in Campus Ministry, and medical providers in University Health Services, when a member of

the faculty or staff is notified of a potential sexual assault, sexual violence, stalking, or domestic or dating violence incident, they are obligated by law to notify the Department of Public Safety. This office may interview the complainant and conduct an investigation. If an investigation is conducted, the Department of Public Safety will send the completed incident report to the deputy Title IX coordinator or the appropriate dean of students (or the dean's designee) to be handled as part of the University's student conduct process.

If I do make a formal report with the University, do I have to go to the police?

No, but if the situation is reported to the police, the University will be available to accompany the student to the New York City Police Department (NYPD). Fordham University encourages any student who is the victim of a crime to notify the Department of Public Safety immediately and to work with them to report the crime to the NYPD. In certain cases, the University reserves the right to notify local law enforcement as required by statute. Students always have the right to report any alleged crime to law enforcement directly.

Will the person who did this know I am talking with the University?

If the complainant is meeting with a clinical counselor at Fordham's Counseling and Psychological Services, a pastoral counselor in Campus Ministry, or a medical provider in University Health Services to explore options, that meeting is almost always confidential, unless there is an immediate threat to oneself or others. If the complainant reports the incident to another member of the University staff, a faculty member, or the Department of Public Safety, the respondent may be interviewed.

If I do make a formal report, will I have to face the respondent in the student conduct process?

No. Fordham's process does not require or request that a student see or speak with the respondent or be questioned by their representatives. Processes outside the University, such as those in the criminal justice system, may require this. Fordham will be available to support and accompany the student as these details are explained by outside authorities.

If I had been drinking or using drugs at the time of the incident, or if the person who assisted me had been drinking or using drugs at the time of the incident, will either of us be subject to the student conduct process?

No. The health and safety of every student at Fordham is of utmost importance. Fordham 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. Fordham strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Fordham officials. A bystander acting in good faith or a reporting individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Fordham officials or to law enforcement will not be subject to Fordham's Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commissions of the domestic violence, dating violence, stalking, or sexual assault.

If I do make a formal report, will I have to participate in mediation with this person?

No. Fordham's process in investigating sexual assault, sexual violence, stalking, or domestic or dating violence does not require or even allow for mediation. The University handles the investigation with each party separately.

What if someone retaliates against me for making the complaint?

Any member of the University community or third party who attempts either directly or indirectly to violate a University No Contact Restriction or to intimidate, threaten, retaliate, interfere with, restrain, coerce, discriminate against, or harass any person for reporting, attempting to report, or responsibly pursuing a complaint, or any person who is a witness cooperating in a University investigation regarding possible violations of any of the University's policies regarding sexual misconduct, will be subject to prompt and appropriate disciplinary action, including possible termination or expulsion from the University.

Will I have to move from my residence hall?

No. A complainant in cases of sexual assault, sexual violence, stalking, or domestic or dating violence will not be required to move. In the majority of cases, once a report is made and the investigation begins, the respondent is moved to another location if they live on the campus and in proximity to the complainant.

I have heard that investigations at other schools take a long time. How long will Fordham's process take?

Fordham's student conduct process for sexual assault, sexual violence, stalking, or domestic or dating violence will take no more than 60 days from the day the complainant requests that the University's investigation and student conduct processes commence. Some cases are more rapid while others can take longer depending on the details of the case, the time of year, and other factors. Fordham works to expedite these matters. If these processes will take longer than 60 days, both the complainant and the respondent will be notified in writing as to the delay and the reason for the delay. Delay can sometimes, but not always, be imposed by complexity of the incident/complaint, holiday closures of the University, breaks in the class schedule, midterm and final examinations, as well as the need to coordinate multiple parties for interview meetings and hearings.

If I would like to make a formal complaint with the University but not involve NYPD, what happens?

A complainant is encouraged to report the incident to the Department of Public Safety; the dean of students; a member of the staff, such as a resident assistant, commuter assistant, or resident director; or another member of the University's faculty or administrative staff. When a member of the administrative staff or faculty is notified of a potential sexual assault, sexual violence, stalking, or domestic or dating violence incident, they are obligated by law to notify the Department of Public Safety. A member of the staff in the Department of Public Safety may contact you to schedule a meeting and take your complaint. Public Safety may then interview the respondent and any witnesses, and the final report will be forwarded to the deputy Title IX coordinator or the appropriate dean of students (or the dean's designee) who will serve as the hearing officer. The hearing officer will have a member of the student affairs professional staff reach out to the student. That staff member will accompany the student during the entire process and act as the administrative support person. After the initial report and once the University's conduct process begins, the student may also choose to be accompanied by one advisor of choice who may be present for related meetings or proceedings. The hearing officer will schedule a time to meet with each student and their respective administrative support person and advisor of choice (if requested) to review the statements and answer any questions regarding the process. In most cases, the hearing officer will meet with the students and administrative support persons and advisors of choice (if requested) a second time to check

facts and then have a final meeting to explain the outcome of the case, which both students will also receive in writing. In certain cases, the University reserves the right to notify local law enforcement as required by statute.

Do I have to prove that I have been the victim of sexual assault, sexual violence, stalking, or domestic or dating violence?

No. Fordham does not place the burden of proving that an attack has occurred on the student. After the incident is investigated by the Department of Public Safety and moves into the conduct process, the hearing officer works with a standard called "preponderance of information." This means that the hearing officer will use their judgment based on all available information from public safety, the complainant, and the respondent and witness interviews to determine whether there is enough information to confirm that a violation of University policy has occurred and what the appropriate action by the University will be.

Do I have to tell my story before a panel?

The Fordham student conduct process is confidential. Meetings and interviews are private and include the complainant, the administrative support person, an advisor of choice (if requested), and the hearing officer. The respondent is interviewed separately with their own administrative support person, an advisor of choice (if requested), and the hearing officer. If a respondent appeals the outcome of the investigation, however, it is possible that the complainant would be called by the appeals body. This body is called the Student Conduct Review Council and is composed of two faculty, two students, and one administrator who convene to hear appeals. Calling complainants to present information before an appeals body is strongly discouraged by the senior vice president for student affairs and the associate vice president for student affairs, who manage the appeals process. It is also discouraged by the hearing officer, who presents all relevant information to the board instead.

What if I have class with the person who attacked me?

While every case is different, efforts will be made to assist the complainant in eliminating or minimizing contact with the respondent. When a situation is reported and/or being investigated, all parties are warned to avoid direct contact or risk possible conduct violations. In some cases, the respondent will be moved to a different residence hall or removed from residence or campus pending the outcome of the case. Unless notified that the respondent has been removed, the complainant should be prepared for the possibility of seeing the respondent on campus. Complainants are encouraged to inform the administrative support person and the hearing officer as soon as possible if the complainant has classes or lives in the same residence hall as the respondent. In any case, it will be important to avoid direct contact with this person.

Can I make a report about someone with whom I have been in a relationship?

Yes. A student can make a report about anyone they believe has violated the University's policy on sexual offenses, stalking, or domestic or dating violence. There may be times when this person has an existing relationship with the complainant. People in relationships can violate the sexual offenses, stalking, or domestic or dating violence policy, and it is important for the complainant to receive assistance and know their options for reporting the incident. Students are encouraged to contact staff if they are in this situation.

What happens if I disclose information about an incident during public awareness and advocacy events?

The University is not obligated to begin an investigation based on information that a person

chooses to share during public awareness events that are designed and intended to be safe spaces for survivors to share experiences. These events could include candlelight vigils, “Take Back the Night,” protests, or other public events. The University may decide, however, to use the information learned at such an event to inform its efforts for additional education and prevention efforts.

What if the incident involves a staff or faculty member?

You may use any of the reporting options listed above, but the response will be handled by the University’s Title IX coordinator. Fordham’s Title IX Coordinator is Kareem Peat (TitleIX@fordham.edu, 718-817-3112, Cunniffe House 114). The Department of Public Safety, the deputy Title IX coordinator, and the dean of students will coordinate and assist in the investigation conducted by this office into any complaints involving staff or faculty, and play the main role in providing support for you separate from the investigation.

Would I face conduct violations if I report that I am in a romantic or sexual relationship with a faculty or staff member that is prohibited?

No, the faculty or staff member is the person who would be investigated for possibly violating the University’s policy because of the imbalance of power in the relationship.

Where can I see how many violations of Fordham’s sexual offense, stalking, and domestic or dating violence policy are reported?

All crime statistics reported to Fordham are, in turn, reported to the community and the federal government. The Department of Public Safety keeps crime statistics for the campus and surrounding areas, is required to report these statistics to the federal government (the data can be found at ope.ed.gov/security/GetOneInstitutionData.aspx), and will provide statistics to any interested member of the community who contacts the office (718-817-2222). All crime statistics are also shared with faculty, staff, and students on an annual basis, and student media such as the student newspapers routinely review public safety reports and publish items from which names and identifying information have been removed for privacy.

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