Faculty & Staff Guide
on Responding to and Reporting Sexual Misconduct
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About this Booklet

This booklet acts to serve as a guide for Faculty and Staff on how to:

1) **Recognize** actions that are prohibited sexual misconduct (see pgs. 0-9). These definitions are included in the University’s Sexual Misconduct Policy and Procedures and give specific details to help you identify the actions should you ever encounter such misconduct or have it reported to you.

2) **Respond** when a student or fellow employee discloses to you that they have been the victim of sexual misconduct (pgs. 10-16). As a faculty or staff member, it is crucial you understand your role as a mandatory reporter of sexual misconduct when students or any form of sexual violence or touching are involved. This booklet will provide you with best practices on how to speak to a student or employee who discloses to you that they have encountered such misconduct. (Please also see the Notification of Rights at the Time of First Disclosure on pg. 11.)

3) **React** should you ever experience sexual misconduct. The University is here to support any member of our community that has been the victim of sexual misconduct and wants to ensure they have access to the support and services we can provide (see pg. 17).

4) **Report** sexual misconduct to one of 3 designated places: Public Safety, Dean of Students, or the Title IX Coordinator (pg. 18). It is critical that you report any information of which you become aware concerning sexual misconduct as soon as you can so that the University can provide proper support to the survivor as well as possibly prevent it from happening to another person within our community.

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This guide is meant to serve as a supplement to the University Sexual Misconduct Policy and Procedures. For more details, guidance, and the most up-to-date version of the University’s Sexual Misconduct Policy and Procedures, please visit at [www.fordham.edu/sexualmisconduct](http://www.fordham.edu/sexualmisconduct). You can also request a copy of the Policy and Procedures from the Title IX Coordinator at titleix@fordham.edu.

If you have any questions or comments about University policy or procedure, wish to request trainings for your department, or would like additional copies of this brochure, please contact Anastasia Coleman, the Title IX Coordinator, at titleix@fordham.edu.
Recognize

Part of your responsibility to report instances of sexual misconduct to the University (see pg. 10 for more information on being a “mandatory reporter”) is being able to identify such actions, whether you witness them first-hand or have them described to you by a student or a colleague. The actions listed below are defined in the University’s Sexual Misconduct Policy and Procedures and are prohibited behavior by Fordham.

Prohibited Sexual Misconduct

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.

1. 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 are prohibited from having a romantic or sexual relationship with that person regardless of consent.

2. 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 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 then applies to further semesters for that graduate student who may no longer be instructing undergraduates.
3. 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 a supervisor, a vice president, or the executive director of human resources, who will contact the Title IX coordinator for assistance in resolving the conflict.

C. Sexual Harassment encompasses many of the specific policy violations listed in the Sexual Misconduct Policy and Procedures. 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 such conduct is made either explicitly or implicitly a term or condition of an individual's employment or status in a program, course or activity;

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

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 considered conduct 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:

• unwanted sexual advances, requests for sexual favors or propositions of a sexual nature;
• direct or implied threats that submission to sexual advances is a condition for employment promotion, good grades, recommendations, etc.;
• 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, statements and questions or remarks about sexual activity or experience;
• 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 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 agree to the sexual activity. Agreement to sexual activity means there are informed, freely given, mutually understandable words or actions that indicate a willingness to participate in the particular sexual activity. A person may decide at any time that he/she no longer consents and want to stop 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.
2. when the other person is incapable of giving consent due to: being physically or mentally helpless for any reason, including incapacity because of the use of alcohol and/or drugs, or is unconscious or sleeping at the time; or
3. when the other person is unable to give consent due to a disability, mental incapacity or age (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 and date/ acquaintance rape. See New York State Penal Law Section(s) 130.00.

F. Sexual Exploitation Other Sexual Misconduct occurs when someone takes advantage of another person without the person’s consent and is being sexually exploited or there is an attempt to sexually exploit another. Some examples of other sexual misconduct include, but are not limited to:

1. Voyeurism or Peeping, which is exceeding the boundaries of consent when there is an expectation of privacy. This includes purposefully watching, videotaping or recording another without their consent who is naked, dressing or undressing, and/or engaging in sexual activity.
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.
6. Forcible touching is defined as forcibly touching sexual or intimate parts of another person for the purpose of degrading or abusing such persons or for gratifying the actor’s sexual desire.

7. Prostituting another person or soliciting a prostitute to campus or a campus event to engage in prostitution.

8. Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual’s knowledge.

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 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: intimidate, threaten, retaliate, interfere with, restrain, coerce, discriminate against, violate a University No Contact Restriction, or harass any person for reporting, attempting to report, or responsibly pursuing a complaint, or 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.
Further Definitions

K. “Bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

L. “Confidentiality” may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Counseling and Psychological Services mental health counselors, University Health Services medical providers and Campus Ministry pastoral counselors are examples of institution employees who may offer confidentiality.

M. “Privacy” may be offered by an individual when such individual is unable to offer confidential under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution. All designated as Campus Security Authorities must report information and should so inform the individual reporting.

N. “Reporting Individual” shall encompass the terms victim, survivor, complainant, claimant, or witness with victim status; for this policy, the reporting individual is referred to as the Complainant.

O. “Clergy Reporting” refers to the data collected by the Department of Public Safety on violent crimes (including sexual assault/rape, domestic violence, dating violence, and stalking) occurring on or near University property and is compiled in the University’s Annual Security Report. Only aggregate data is reported and no personally identifiable information is collected. For more information on Clergy Reporting, please review the Annual Security Report or contact the Department of Public Safety.

Applicability

These policy definitions apply to behavior conducted on- or off-campus and apply to all members of the University community, including students, faculty, staff, visitors and third-parties, and applicants for admission or employment.
Respond

If a member of our University community is ever a victim of sexual misconduct, we want to provide he or she with support and resources as soon as is reasonably possible. However, not all survivors will immediately reach out to Public Safety, the Dean of Students or the Title IX Coordinator for assistance. They will often look to those with whom they have a more personal relationship, whether that is a professor they had in class, a professional colleague or a work supervisor. As a faculty or staff member, you are designated as a “mandatory reporter” of sexual misconduct for the University and are therefore required to report incidents of sexual misconduct in particular circumstances. The next few pages will discuss that obligation as well as provide guidance on how to speak to a person who discloses that he/she has been a victim of sexual misconduct.

Faculty & Staff Obligations for Reporting

When a Faculty or Staff member is told, observes, obtains knowledge, learns of or reasonably suspects that a student is a victim/survivor of sexual misconduct it must be reported as soon as reasonably possible.

It is imperative that the Department of Public Safety, the Deans of Students or the Title IX Coordinator is informed to ensure the victim/survivor is provided with the support and resources they require as soon as possible.

You cannot promise confidentiality. The only Fordham employees who are exceptions to the Mandatory Reporting requirement are: clinical counselors in the University’s Psychological & Counseling Services, pastoral counselors in Campus Ministry, and medical service providers in University Health Services. (see pg. 14 for confidential resources).

*If unclear whether or not information MUST be reported, it is better to call the Title IX Coordinator or Deans of Students/Deputy Title IX Coordinators (business hours) or Public Safety (24/7) who can assist you for proper next steps.

All faculty and staff members MUST report the following incidents when a student is a victim/survivor and they observe, obtain knowledge, learn of, or reasonably suspect:
Any form of sexual harassment (verbal or physical)
• Rape / sexual assault
• Dating and domestic violence
• Stalking
• Sexual exploitation, including forcible touching
• Other sexual misconduct

*Please see the definition section (pg. 4) if unsure of the definitions.
When there is a Faculty or Staff Member who is a Victim / Survivor of a Violent Act:
All faculty and staff members MUST report the following incidents when a faculty or staff member is a victim / survivor of:

- Any form of non-consensual physical sexual act including but not limited to rape / sexual assault or forcible touching
- Dating and Domestic Violence

When there is a Faculty or Staff Member who is a Victim / Survivor of a Non-Violent Act:
All faculty and staff members shall report any non-violent sexual act, including but not limited to:

- Verbal sexual harassment
- Gender Discrimination
- Voyeurism

When Faculty Department Heads, Area Chairs and Employees with Supervisory Authority over Others Learn of any Form of Prohibited Sexual Misconduct (Verbal or Physical):
The Supervisor MUST report the information to the Title IX Coordinator, Human Resources Department or the Department of Public Safety. The employee can simultaneously report this information to their own supervisor; however, it is required that it be reported to the Title IX Coordinator, Human Resources or the Department of Public Safety as soon as reasonably possible.

Notification of Rights at the Time of First Disclosure
After any member of the University community discloses to you that they have been a victim/survivor of prohibited sexual misconduct, you must inform the person of the following statement:

“You have the right to make a report to the University’s 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.”

Sexual Misconduct Disclosures in an Academic Setting
Students may disclose a personal or secondhand incident of sexual misconduct in an academic setting, i.e. a paper, report, poem, classroom discussion, or office hours. The University aims to provide all victims / survivors of sexual assault with all available and applicable resources. Therefore, all faculty members MUST report any information about possible student sexual misconduct they observe, obtain knowledge, learn of, or reasonably suspect in an academic setting.
How to Speak to a Victim/Survivor

It is important to remember that faculty and staff members do not have a special privilege or ability to maintain the confidentiality of reports shared with them and should not promise confidentiality. However, you do have an opportunity to make a difference in the healing process during the initial conversation.

If someone tells you that she/he is a victim/survivor of sexual misconduct, here are some positive ways in which to respond, as well as some others to avoid:

Do Respond in these ways:

• Be receptive & responsive to how the survivor is behaving and try to stay attuned to the person’s emotions & feelings.

• Let them know that you do not intend to share his/her story with just anyone but will need to share it with others as you are required to share the information and cannot keep it completely confidential.

• Be a supportive and active listener. Validate the person’s courage and strength for sharing this information with you. Be open and “present.”

• Acknowledge and affirm that it is a painful and difficult experience.

• Try to use the words the person uses to describe their situation (survivor calls it “date-rape” – you call it the same thing) in order to avoid exaggerating or minimizing the experience.

• If the person tries to rationalize what happened, it is OK but be sure to remind him or her that what happened is not OK.

• Discuss next steps & reporting.

• Express genuine concern, care and curiosity about the person’s well-being and safety.

Public Safety and/or Student Affairs Staff will make certain the victim/survivor is aware of on- and off-campus counseling services where they can receive additional support, including their options for reporting to the police and seeking medical attention.
Avoid Responding in these ways:

- Don’t question the validity of what the survivor is telling you (i.e. doubting what happened; being skeptical; questioning why the survivor is telling you about this now, etc.).

- Don’t try to figure out all the details; rather, let the person share what they want to share. Your role is not to investigate. DO, however, listen closely as you will be asked by Public Safety what information you were told.

- Don’t make excuses for the attacker or minimize what happened.

- Don’t suggest having the victim & attacker meet, e.g. asking for an apology, clearing the air, etc.

- Don’t label what happened or assume you know how the person feels or since every situation and person is different / unique. Don’t assume, tell, or dictate to the student how she/he should be feeling.

- Don’t compare your own experiences or feelings with the victim/survivor’s. This can be experienced as invalidating.

- Don't guarantee confidentiality – let them know that that you do not intend to share his/her story with just anyone; but will need to share it with others.

- Don’t share the information learned with others who are not the “need to know” people.

- Don’t ask about a survivor or anyone’s sexual history.

- Don’t comment about possible outcomes.

*If you do respond in any of the above ways, please inform the Administrator who is working with the victim/survivor. He or she can assist in speaking further with him or her if needed.

Responding to a Person Accused of Sexual Misconduct

A person who has been accused of violating our sexual misconduct policy may be similarly struggling to understand what happened and may be experiencing a range of emotions. Remember that this person is turning to you for support and assistance. Even if you feel conflicted or upset with what the person has told you or with what he or she has been accused of, you must also provide emotional support to the person. By providing support, you are in no way condoning the alleged behavior. Please keep in mind, similar to the Dos and Don’ts above: do not use judgmental language, be an active listener, and show that you care and are concerned for the person. It is not your job to try to figure out what happened.

If a student speaks with you about how they are reacting to being accused of a conduct violation, please call the Dean of Students of the Campus (or) the Office of Public Safety. Both of these administrators can contact the person’s Administrative Support Person (ASP, see pg. 20) to inform him or her about your conversation with the student so that we can be sure that the student is receiving proper support. If it is an employee that speaks with you, please contact Public Safety or the Title IX Coordinator.
Confidentiality

As a faculty or staff member, you cannot promise a student or employee confidentiality if they disclose to you any incident that would violate the University's Sexual Misconduct Policy. If the student asks for confidentiality, before telling you anything, you can direct them to one of the University's confidential reporting resources below. If an employee asks for confidentiality, you can direct them to the Employee Assistance Program (pg. 15).

Clinical Counselors within Counseling & Psychological Services, Pastoral Counselors acting in their official capacity in Office of Campus Ministries, and Medical Service Providers within University Health Services are considered confidential and do not have reporting requirements within the University.**

Counseling & Psychological Services:
Rose Hill Campus: (718) 817-3725
Lincoln Center Campus: (212) 636-6225
Westchester Campus: (914) 367-3733
Calder Center: please use the Westchester phone number

Office of Campus Ministry:
Rose Hill Campus: (718) 817-4500
Lincoln Center Campus: (212) 636-6267
Westchester Campus: (914) 367-3420
Calder Center: please use the Westchester phone number

University Health Services: University Health Services on both campuses have nurse practitioners trained as Sexual Assault Nurse Examiners (SANE) who are specifically trained to assist survivors of sexual assault. They can assist in the medical care, follow-up/referral process, and provide general support to the survivor. They can also provide tests for pregnancy and sexually transmitted infections. There is no fee for these services.

Rose Hill | O'Hare Hall, Lover Level | 718-817-4160
Nurse Practitioners are available as follows:
Monday-Friday: 8am-6pm  |  Saturday –Sunday: 10am-2pm

Lincoln Center | McMahon 203 | 212-636-7160
Nurse Practitioners are available as follows:
Monday-Tuesday: 10am-6pm  |  Wednesday: 9am-5pm, closed 1-2pm
Thursday: 9am-5pm  |  Friday: 10am-3pm

**It is important to note that confidential counselors in these offices will not be able to directly provide other accommodations and support that Public Safety, the Deans of Students or the Title IX Coordinator can offer (i.e., changes in academic scheduling, living, transportation and working accommodations).
Off-Campus -- 24/7 Confidential Hotlines:
RAPE Crisis Hotline (914) 345-911
Safe Horizon’s Rape/Sexual Assault & Incest Hotline (212) 227-3000
NYC Domestic Violence Hotline (800) 621-HOPE (4673)
Gay & Lesbian Anti-Violence Project (212) 714-1141
Crime Victim’s Hotline (212) 577-7777
New York State Domestic Violence Hotline (800) 942-6906
New York State Office of Victim Services (800) 247-8035 or www.ovs.ny.gov

CARE 24 Employee Assistance Program (EAP) for Faculty and Staff
The University introduced a confidential EAP in 2015, which is available online and by phone 24 hours a day, seven days a week, 365 days a year.

The program offers counseling services and a wealth of online resources, such as articles, referrals and discounts. You don’t need to be covered under the University’s health care plans to use the EAP and services are available to your extended family members as well.

Call the toll-free number on the back of your health plan ID card or log on to:

A victim/survivor discloses an incident, but does not want it reported....

Only Clinical Counselors within Counseling & Psychological Services, Pastoral Counselors acting in their official capacity in the Office of Campus Ministries, and licensed Medical Service Providers working in University Health Services can offer confidentiality. If you were told information, you have to report it.

If a person discloses an incident or reports an incident of sexual misconduct to the University but then wishes to remain confidential or does not want to the University to proceed with an investigation, the University will attempt to honor and abide by that person’s wishes. A member of the Administration will explain the reporter’s various options and that by honoring such a request, the University will not be able to meaningfully investigate and pursue disciplinary or student conduct proceedings to find anyone responsible for the violation. The University will provide support and accommodations, as much as possible under the circumstances.
In some limited circumstances, the University may not be able to honor the request for confidentiality. The University may elect to conduct its own investigation when the University deems it is in the best interest of the community to do so. The fact finders, either the Title IX Coordinator or the Deans of Students for the campus, will weigh the request against the University’s obligation to provide a safe, non-discriminatory environment for the entire community and decide whether the request can be honored. Some of the factors that are reviewed when determining whether the University has an over-riding responsibility to proceed with an investigation against someone’s wishes or to remain confidential include: whether there is an increased risk that someone will commit additional sexual misconduct or other relevant misconduct; whether there was a threat of violence; whether multiple people, a weapon, or a minor were involved; or whether the current report reveals a pattern of prohibited behavior.

If possible, the University will make attempts to inform the complainant prior to proceeding with an investigation. The University will not require anyone to participate in an investigation or a sexual misconduct disciplinary proceeding. Nonetheless, the University may, under certain circumstances, be required to report and/or file a complaint with external authorities. An example is the legal requirement that all Violent Felony Offences listed in the New York State Penal Law 70.02 must be reported to New York City Police Department (N.Y.P.D.) as required by the N.Y.P.D.’s Memorandum of Understanding with Fordham University, or other local law enforcement agencies. 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.

**University’s Amnesty Policy for Student Reporting Sexual Misconduct**

The health and safety of every student at Fordham is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Fordham officials or law enforcement will not be subject to the University’s Code of Conduct action for violations of alcohol and or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.
Reporting an Incident in Good Faith

An individual who brings a reasonable complaint of suspected sexual misconduct and does so in good faith will not be subject to discipline, even if the incident may be found to be erroneous. However, the use of this policy for false, malicious, or frivolous purposes is strictly prohibited. Anyone who knowingly brings a false, malicious, or frivolous complaint against another University community member will be subject to disciplinary action.

React

We want to make sure that any member of our University community is properly supported after experiencing a sexual assault. Below are important steps to follow to ensure your safety and receive appropriate medical attention and support.

What to do if you are a victim/survivor of rape or sexual assault:

- **Remain Calm, Get to a Safe Place, and Call for Help.** After an attack, try to remain calm and think of a safe place to contact someone you trust. You can always call Public Safety 24/7, 365 days a year at 718-817-2222. You can also call the Health Center or the Counseling Center for assistance. A staff member of the same gender will be available to respond at all times, if that is the preference of the survivor.

- **Do not change, shower, use the restroom, or destroy any clothing.** A rape or sexual abuse survivor should try to remain in the same condition as when the attack left. This includes no changing or throwing away clothes, combing of hair, showering, or douching. This is important as any evidence that can be collected by the police and/or rape kit examiner may be helpful in pursuing the assailant in later criminal prosecutions.

- **Seek medical attention.** If you have contacted Public Safety or the Health Center, they can assist you in getting medical attention. A list of hospitals that conduct rape kit examinations can be found on page 19 of this booklet.

- **Follow-up treatment.** After the incident, you may suffer from acute emotional stress. The University has various support services and off-campus resources that can assist and support you.
Where to Report

On-Campus

All Incidents, 24/7, 365: Public Safety
Rose Hill: 718-817-2222  |  Lincoln Center: 212-636-6076  |  Westchester: 914-367-3333

For incidents involving faculty, staff, or third-parties:

Title IX Coordinator
Anastasia Coleman
Director of Institutional Equity & Compliance
Rose Hill, Cunniffe House, Room 114
(718) 817-3112  TitleIX@Fordham.edu

Human Resources
Angela Cioffi
Director of Labor and Employee Relations
Rose Hill, Faculty Memorial Hall, Room 506
(718) 817-4938  amcioffi@fordham.edu

For incidents occurring between students:

Dean of Students / Deputy Title IX Coordinators (during business hours)

Rose Hill and the Calder Center:
Christopher Rodgers
McGinley Center, Room 242
(718) 817-4755  chrodgers@fordham.edu

Lincoln Center & Westchester:
Keith Eldredge
Leon Lowenstein, 408D
(212) 636-6250  elredge@fordham.edu

Medical Services

Fordham University Emergency Medical Service (F.U.E.M.S.)—Rose Hill | 718-817-2222

• Emergency medical technicians on duty
• Referrals
• Transportation to a hospital

*Confidential Resources: For off-campus confidential resources, please see page 14.

Off-Campus

Medical Attention: Anyone who is physically injured or raped should seek a medical examination to determine the extent of injuries. It is also important to understand that physical evidence collected in a rape examination (i.e. a rape kit) is a way to preserve evidence should anyone want to pursue criminal charges with the police or a local prosecutor at a later time.
**Hospitals:** *The hospitals listed below conduct rape examinations*

**Rose Hill Campus:**
North Central Bronx Hospital—3424 Kossuth Ave., Bronx, NY (718) 519-5000
Jacobi Medical Center—Pelham Parkway South, Bronx, NY (718) 918-5000

**Lincoln Center Campus:**
Mt. Sinai/St. Luke’s, Emergency Room—1111 Amsterdam Ave., NY, NY (212) 523-3335
Mt. Sinai Roosevelt Hospital: 59th St. on Ninth and Tenth Aves., NY, NY (212) 523-6800

**Westchester Campus & Calder Center**
Westchester County Medical Center—100 Woods Rd., Valhalla, NY (914) 493-7000

**Law Enforcement/Local Prosecutor:** A victim of any criminal sexual offense has legal recourse outside the University and can commence civil or criminal proceedings against offending person(s). Many of the prohibited behaviors of the University’s policies are also violations of New York State criminal laws where a person can be charged criminally with rape, sex abuse, stalking, and other charges. If the action takes place outside New York, a person is subject to the criminal laws of the applicable jurisdiction.

**Family & Civil Court:** Additionally, Family Court is a civil court option where a person can seek a civil court order of protection in many circumstances. University administrators and / or the Department of Public Safety will assist any victim in the finding of resources, accompanying a person to court, and in commencing civil or criminal proceedings.

**Law Enforcement**
**Rose Hill**: 48th Precinct—450 Cross Bronx Expressway, Bronx, NY (718) 299-3900
**Lincoln Center**: 20th Precinct—120 West 82nd St., New York, NY (212) 580-6411
**Westchester**: Harrison P.D.—650 North Street, Harrison, NY (914) 967-5110
**Calder Center**: North Castle Police Department—15 Bedford Road, Armonk, NY (914) 273-9500
**NY State Police**: 24-hour hotline for reporting sexual assault on NY college campuses (844) 845-7269
**NYPD Special Victims Division**: (646) 610-7272

**Confidential Resources:**
For off-campus confidential resources, please see page 14.

A person may report an incident to either the police or the University, or to both simultaneously. The University reserves the right to conduct its own investigation and proceedings notwithstanding the status or resolution of any criminal proceedings. There may be times when the Department of Public Safety or another administrator may contact the police regarding the nature of an alleged incident. However, it is always the victim / complainant’s decision as to whether or not to cooperate with any police or University investigation. The Department of Public Safety or other administrators stand ready to assist in reporting incidents to the police or local prosecutors.
Orders of Protection Issued by Criminal Courts and Civil (Including Family) Courts: In addition to a University’s No Contact Order issued by the University to University community members, victims of stalking, dating and domestic violence, or any other violence / crime can seek orders of protection from both the family and criminal courts.

The Office of Public Safety or another designated University member will assist in obtaining an order of protection (or, if outside New York State, an equivalent protective force or restraining order) and explain the consequences of violating such an order. The University will assist local law enforcement in effecting an arrest when an individual violates such an order.

What Happens After a Report is Filed

There are professionals on campus who can assist and support any victim / complainant as soon as a report is received and are specifically trained to respond appropriately. There will be an initial discussion between Public Safety and the complainant. The complainant can choose to provide a recount of what has taken place and discuss options with Public Safety on how best to proceed. Public Safety will draft an incident report, and an Administrative Support Person (ASP) will be assigned to both the student-complainant and student-respondent to assist and support both students through the process even if the student complainant decides not to proceed internally with any student conduct process.

Faculty, Staff, and Third Parties will be provided similar information as described below but are not typically assigned an Administrative Support Person. However, the Title IX Coordinator or designee will assist non-student complainants and respondents with assistance in obtaining medical and counseling support, interim measures where warranted, and other services as needed after a report.

The dean (for students) or other administrator (for faculty, staff, and third parties) will explain the various options and support resources available, including but not limited to:

- Medical and counseling resources
- The University’s sexual misconduct policies and procedures against intimidation and retaliation
- Documents and information relevant to the conduct process
- Standard of proof during the internal conduct process and possible sanctions
- How to report the incident to the local police or prosecutor or seek other types of civil relief
- Interim measures for possible accommodations and option for changing academic, living, transportation, and working situations if such changes are warranted under the circumstances and reasonably available
Informal Approach to Resolution

A faculty member, staff member, or student of the University believing that he/she may be experiencing a form of sexual discrimination or misconduct that does not involve physical touching or violence may attempt to resolve the situation personally if he/she is comfortable in approaching the individual whose conduct is being questioned. The complainant may withdraw from the informal process at any time; however, that complainant may still proceed with the formal process for investigation and resolution. If a person is not so inclined to seek a resolution with that individual:

A. Faculty and Staff should discuss their concerns and seek the advice from their immediate supervisor or department head. If the alleged offending person is the supervisor or department head, seeking the advice of the next highest level of authority is recommended. In such situations, the Title IX Coordinator can act as an advisor.

B. Students should seek the advice of any member of the Student Affairs staff. Any person acting in the role of advisor should seek assistance from the Title IX Coordinator or the Deans of Students in order to identify the problem and discuss options for resolution.

C. Third parties are not expected to use this informal approach. Third parties should consult with the Director of Institutional Equity and Compliance/Title IX Coordinator.

Formal Approach to Resolution

In all matters of sexual violence, matters the University decides must be handled formally, matters unable to be resolved through the informal approach, or matters where the complainant chooses not to proceed informally or is a third party, the complainant may seek the assistance of Public Safety as the official investigator and fact finder for each campus. The results of this investigation are passed to the Dean of Students for student respondents and the Title IX Coordinator for all other respondents who will follow the appropriate adjudication proceedings.

The Department of Public Safety will handle complaints impartially and objectively, perform fact-finding, and will follow certain procedures. If there is a significant conflict of interest where the investigator cannot be impartial, another investigator will conduct the investigation. The Department of Public Safety evaluates information based upon the nature and context of the conduct after assessing the credibility of witnesses and weighing the relevant information learned.

Those involved in the investigation and conduct process receive training, at least annually, on issues relating to sexual misconduct, including sexual harassment, dating violence, domestic violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
Time Frame for Investigation and Resolution: While the time to resolve a reported incident will vary from case to case, depending on the specific facts and circumstances, it is expected that in most cases complaints will be resolved within 60 days. 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 and the reason for the delay.

Preponderance of the Evidence: The University uses the Preponderance of the Evidence Standard of review, which means that the Finder of Fact will base his or her finding on whether it is more likely than not that the alleged sexual misconduct occurred or did not occur.

Advisor of Choice: Both the respondent and the complainant can each be accompanied by one advisor of choice who may assist, advise, and support the person 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 complainant and respondent.

Possible Sanctions: Possible sanctions for employees can include a letter of reprimand or warning letter, a reduction in pay, probation, suspension, termination of employment from the University or other appropriate sanctions. Possible sanctions for students can include a disciplinary reprimand, residence hall probation, suspension or expulsion from University housing, student life probation, university disciplinary probation, and suspension or expulsion from the University.

Appeals
All appeals will be conducted in an impartial and equitable manner by an impartial decision maker(s).

Students subject to student conduct sanctions that are appealable to the Student Conduct Review Council (SCRC) will follow the grievance process stated in the Student Handbook. Student complainants in cases involving a student respondent may file a written appeal to the Senior Vice President for Student Affairs.

Where a faculty member is a respondent: Student complainants may file a written appeal to the Senior Vice President for Student Affairs; Staff complainants may file a written appeal to the Director of Human Resources; Faculty complainants may file an appeal in the form of a grievance with the Faculty Hearing Committee. Faculty respondent are automatically provided process in all cases related to discipline as provided in the University Statutes.

For more details regarding the University’s Sexual Misconduct Grievance Process, please see the Sexual Misconduct Policy and Procedures at www.fordham.edu/sexualmisconduct
Notice of University-Wide Nondiscrimination Policy and the Designation of the Title IX Coordinator

Fordham University is an Equal Opportunity Employer committed to the principle of equal opportunity in education and employment in compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, the Violence Against Women Act, and other federal, state, and local laws.

Fordham University does not discriminate on the basis 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.

This policy is strictly enforced by the University, and alleged violations receive prompt attention and appropriate corrective action. The University will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, to prevent retaliation for bringing a claim or assisting in an investigation, and will take appropriate action to remedy the effects of discrimination and harassment.

The Director of Institutional Equity and Compliance is the University’s compliance officer for all forms of discrimination and is specifically designated as the University’s 504 Compliance Officer and Title IX Coordinator. The Title IX Coordinator is responsible for the University’s Title IX compliance efforts and for coordinating the University’s response to all complaints involving possible sex discrimination, including educational programs, gender equity in athletics, employment, and admission. This also includes all forms of discrimination, limitations on consensual relationships, sex and gender discrimination, sexual harassment, sexual assault/rape, exploitation and other sexual misconduct, stalking, dating and domestic violence, and intimidation and retaliation for filing such complaints.

Inquiries concerning the application of Title IX and its implementing regulation may be referred to the University’s designated Title IX Coordinator listed below or to the Assistant Secretary of the Office for Civil Rights (OCR), U.S. Department of Education, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue SW, Washington, DC 20202-1100. Call the OCR main numbers toll free at 800-421-3481 or 800-877-8339 (TDD). Or contact the OCR’s New York office at ocr.newyork@ed.gov or 646-428-3800.

Fordham’s Title IX coordinator may be contacted at:

Anastasia Coleman
Director of Institutional Equity and Compliance
Title IX Coordinator and 504 Compliance Officer
Cunniffe House, Room 114
Rose Hill Campus
718-817-3112 titleix@fordham.edu
Reporting Sexual Misconduct on Campus

For Emergencies, contact the Department of Public Safety (any incident), 24/7, 365 days:
Rose Hill: (718) 817-2222   Lincoln Center: (212) 636-6076
  Westchester and Calder Center: (914) 367-3333

For incidents occurring between students:
Dean of Students

Rose Hill and the Calder Center:
Christopher Rodgers
McGinley Center, Room 242
(718) 817-4755
chrodgers@fordham.edu

Lincoln Center & Westchester:
Keith Eldredge
Leon Lowenstein, 408D
(212) 636-6250
eldredge@fordham.edu

For incidents involving faculty, staff, or third-parties:
Title IX Coordinator

Anastasia Coleman
Director of Institutional Equity & Compliance
Rose Hill, Cunniffe House, Room 114
(718) 817-3112
TitleIX@Fordham.edu