

SECTION VI – REPORTING SEXUAL AND GENDER-BASED MISCONDUCT, RETALIATION OR INTIMIDATION INCIDENTS

All individuals may report alleged incidents of Sexual or Gender-Based Misconduct, Retaliation or Intimidation to the College, to outside resources, and/or to law enforcement.

A. REPORTING OPTIONS WITHIN THE COLLEGE

Victims and witnesses do not need to determine whether incidents of Sexual or Gender-Based Misconduct qualify as misconduct before reporting in good faith to the College.

The various confidential and non-confidential disclosure options available to members of the Vaughn College community are set forth below:

1. Professional, Licensed College Counselors (Confidential Resource)

Individuals have the option to report alleged Sexual and Gender-Based Misconduct to the Confidential Sources on campus listed below. Individuals may choose this option if they want to discuss the incident in a confidential setting but do not want any action to be taken. Confidential Sources can provide individuals with both immediate and long-term help. They will listen and help access additional assistance, and explain options for making a non-confidential report to the College and reporting to the police.

The professional or non-professional counselor or advocate listed below will preserve an individual's privacy to the extent possible by the law. This means that Personally Identifiable Information shared with these professionals is not part of students' or employees' College education or personnel records and will not be reported to other College personnel (including the Title IX Coordinator), to the Respondent, or to others unless the disclosing individual gives his or her consent to the disclosure or the law requires it (as may be the case with alleged Sexual or Gender-Based Misconduct involving a minor or under conditions involving imminent harm to one or more members of the College community.) Therefore, disclosures to these employees generally will not trigger a College investigation into an incident against the victim's wishes.

A victim who speaks to one of the professional or non-professional counselors or advocates listed below must understand that, if he or she wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the Respondent. Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. Moreover, a victim who at first requests confidentiality may later file a Complaint with the College and/or report the incident to local law enforcement.

a. *Office of Counseling and Wellness (Confidential Source)*

Individuals can make a confidential report of Sexual or Gender-Based Misconduct by contacting a professional, licensed counselor at the **Office of Counseling and Wellness** during posted business hours:

Office of Counseling and Wellness

Dr. Dinelly Holder, Director of Counseling and Wellness

Main Building - Room 106

718-429-6600, ext. 350

Email: Dinelly.holder@vaughn.edu

The licensed professional(s) in the **Office of Counseling and Wellness** may also be visited in person during the normal business hours listed below:

Fall/Spring Office Hours:

Monday, Thursday, Friday:	9:00 a.m. to 5:00 p.m.
Tuesday and Wednesday:	10:00 a.m. to 6:00 p.m.

Summer Hours:

Monday to Thursday:	9:00 am to 5:00 pm
Friday:	9:00 am to 2:00 pm

b. *Non-professional Counselors and Advocates in the Office of Counseling and Wellness (Limited-Confidential Resource)*

Non-professional individuals who work or volunteer at the **Office of Counseling and Wellness**, including front desk staff and student employees, can generally talk to a victim of Sexual or Gender-Based Misconduct without revealing any personally identifying information about an incident to the College.

Without revealing the victim's identity, these individuals are required to report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no Personally Identifiable Information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim.

2. Responsible Employees (Formal, Non-Confidential Reporting to the College)

Individuals who believe that they have been the subject of or have witnessed an incident of Sexual or Gender-Based Misconduct, Retaliation or Intimidation are encouraged to report the conduct to the College so that it can take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions), and, if it is determined that Sexual or Gender-Based Misconduct has occurred, take appropriate steps to address the situation.

There are several ways to formally report Sexual or Gender-Based Misconduct, Retaliation or Intimidation incidents to the College:

a. *Title IX Coordinator or a Deputy Title IX Coordinator*

Title IX Coordinator, Kathy Deaner, Deputy Title IX Coordinator and Interim Vice President of Student Affairs, whose office is located in the Residence Hall. Ms. Deaner may be contacted by phone at 718 429-6600, ext. 371 or by email at Kathy.deaner@vaughn.edu

Inquiries and/or reports of misconduct should be directed to either the Title IX Coordinator or the Deputy Title IX Coordinator.

Mary Durkin, Deputy Title IX Coordinator and Associate Vice President of Human Resources whose office is located in the Main Building. Ms. Durkin may be contacted by phone at **718-429-6600, ext. 105** or by email at mary.durkin@vaughn.edu.

b. Vaughn College Security Department

Sexual and Gender-Based Misconduct, Retaliation or Intimidation may be reported to the Vaughn College Security Department.

The Vaughn College Security Department is located at:

MAIN BUILDING: 86-01 23rd Ave, Flushing 11369
RESIDENCE HALL 22-40 90th St, Flushing 11369
ASTORIA 43-05 20th Ave, Astoria 11105

The Vaughn College Security Department is also available by phone at **718-429-6600**:

MAIN BUILDING - EXT. 130
MAIN BUILDING - LIBRARY - EXT 301
RESIDENCE HALL - EXT. 300
ASTORIA - EXT. 270

Vaughn College Security Officers are **available 24 hours a day, seven days a week**.

Vaughn College Security Department personnel will immediately report to the Title IX Coordinator all relevant details about the alleged Sexual or Gender-Based Misconduct that the College will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

c. Human Resources

In addition to the Deputy Title IX Coordinator, incident of Sexual and Gender-Based Misconduct, Retaliation or Intimidation may also be reported to the Human Resource Office if the Complainant or witness is an employee, or Third Party. Human Resource Office is located in the Main Building. Human Resource staff members are available during business hours (9:00 a.m. to 5:00 p.m., Monday through Friday) by phone at **718-429-6600, Extensions -105, 224 and 115**.

d. Other Responsible Employees

A Responsible Employee is a College employee who either has the authority to redress Sexual or Gender-Based Misconduct, has the duty to report incidents of Sexual or Gender-Based Misconduct or other student misconduct, or is an individual who a student could reasonably believe has this authority or duty.

The following positions have been designated by the College to be “Responsible Employees”:

The President; the Vice Presidents; the Title IX Coordinator and Deputy Title IX Coordinators; all Student Affairs staff, including resident assistants and professional residence life staff; all Athletic Department Staff, including coaches; and all Security Department officers. Faculty and staff are also required to report Sexual and Gender-Based Misconduct offenses to the Title IX Coordinators.

The College will exercise sensitivity with respect to the privacy of the reporting person. However, privacy concerns will be balanced with the College’s obligations with regard to individual and community safety as well as requirements of federal and state law.

When a member of the College community tells a Responsible Employee about an incident of Sexual or Gender-Based Misconduct, Retaliation or Intimidation, the College will take immediate and appropriate steps to investigate what happened and to resolve the matter thoroughly, promptly and impartially.

If someone discloses an incident to a College employee who is responsible for responding to or reporting misconduct covered by this policy, but wishes to maintain confidentiality, or does not consent to the institution’s request to initiate an investigation, the College will weigh that against the College’s obligation to provide a safe, non-discriminatory environment. Factors the College will consider when weighing

whether to move forward with an investigation without the complainant's consent include:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct from previously noted behavior;
- The risk that the accused will commit additional acts of violence;
- Whether there was a single perpetrator or multiple;
- Whether the accused used a weapon or force;
- Whether the circumstances otherwise reveal a pattern of conduct at given location or by a particular group or organization;
- Whether the reporting individual is a minor;
- Whether the circumstances otherwise suggest an ongoing or future risk to the campus community or the complainant, and similar considerations.

The decision whether or not to proceed will be shared with the Complainant. Ultimately, the College retains the right to act upon any information that comes to its attention.

Before a victim reveals any information to a Responsible Employee, the Responsible Employee will make reasonable efforts in light of the circumstances to ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

B. REPORTING OPTIONS OUTSIDE THE COLLEGE

1. Privileged and Confidential Communications to Community Resources

Off-campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form. Confidential community resources are set forth in the Resource Table of Appendix A.

Note: While off-campus community counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law.

2. Law Enforcement

Any member of the College community who has experienced an incident of Sexual and Gender-Based Misconduct may also report the conduct to local law enforcement. Victims of Sexual and Gender-Based Misconduct are not required to report to local law enforcement. The College's investigation and resolution of a case of Sexual and Gender-Based Misconduct is not contingent upon a party's decision to report or not report to local law enforcement. Reports to the police may be made at the same time and in addition to reports to the College. In some circumstances, the College, however, may be obligated to report the matter to local law enforcement, such as in the case of violent felonies or missing persons.

Victim support and resources are available even if a student, employee or Third Party elects not to pursue criminal charges or file a report or Complaint with the College.

The College will assist individuals in making a report to local law enforcement.

A criminal investigation into the matter does not preclude the College from conducting its own investigation. If a report is filed with both the College and law enforcement, the College will proceed with its normal investigation process. The College, however, may need to temporarily delay its fact-finding portion of the investigation while law enforcement is gathering initial evidence.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether Sexual or Gender-Based Misconduct, for purposes of this Policy, has occurred.

Individuals can file a police report 24 hours a day by contacting the Vaughn College Security Department at **718-429-6600: Main Building - Ext. 130; Library – Ext 301; Residence Hall - Ext. 300; Astoria - Ext. 270.**

If the incident occurred off campus in the East Elmhurst and or Astoria NY area, individuals can file a report with the **NY Police Department:**

Emergency: Dial 911

Non-Emergency Contact:

115th Precinct, 92-15 Northern Blvd., Jackson Heights, NY 11372; (718) 533-2002

114th Precinct, 34-16 Astoria Blvd., Astoria, NY 11103; (718) 626-9311

If a victim chooses to file a police report, those on and off-campus resources listed in the Resources Table of **Appendix A** can provide assistance in contacting local law enforcement.

3. Protective Orders

Orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence. The College can assist such individuals in obtaining judicial protective orders. For more information on how to obtain an order of protection from the courts, **contact Title IX Coordinator, Title IX Deputy Coordinators or the Office of Wellness and Counseling** who can explain and support you through the process.

The College will provide a copy of any order of protection that it receives to the parties affected by it, explain the order of protection and the consequences for violating it, call upon and assist local law enforcement in effecting an arrest for violation of the order of protection or similar document, and follow legally issued orders of protection or similar documents, including denying the restricted person access to the College's property, if necessary.

4. Preservation of Evidence/Emergency Medical Attention

Preservation of evidence is critical, especially in cases of possible violence and sexual violence, and it must be done properly and promptly. In sexual assault cases, it is important not to shower, change clothes or brush one's hair, as physical evidence may be lost, although having showered or changed does not mean that a sexual assault forensic exam (rape kit) cannot be completed. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs.

For more information about support services and resources see **Appendix A.**

For more information for local, non-College affiliated confidential hotlines and crisis centers see **Appendix D.**