Student Information
on Sexual Violence
What is Sexual Assault?

Statically, sexual violence occurs between individuals who know each other rather than between strangers. Whether an acquaintance or stranger, all forms of sexual violence crimes are against the law.

**Sexual Assault is defined as,** Any act of violence, either physical or verbal, committed against another person without consent. At its most basic level, sexual assault refers to any form of nonconsensual sexual activity, which encompasses all unwanted sexual acts from intimidation, to touching, to penetration. Sexual assault includes what is commonly known as “rape” (i.e. “date rape” and “acquaintance rape”), fondling, statutory rape and incest. For statutory rape, the age of consent in NYS is 17 years old.

1. physical force, violence, threat or intimidation;
2. ignoring the objections of another person;
3. causing another’s intoxication or impairment through the use of alcohol or other drugs; and/or taking advantage of another person’s incapacitation, helplessness or other inability to consent. The absence of “no” is not a “yes.” The use of alcohol and other drugs never makes someone at fault for being sexually assaulted.

**Sexual Assault Victims Bill of Rights**

Manhattanville College strictly prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. The College is committed to providing options, support and assistance to victims/survivors regardless of race, color, religion, gender identity or expression, or sexual orientation.

The victim/survivor has the right to:

- Be treated seriously with the disclosure of the sexual violence.
- Be informed of their options to contact law enforcement.
- Be informed of the judicial proceedings and outcome of any disciplinary proceedings.
- Be informed of available counseling and medical services.
- Be notified of options for changing academic and living situations.
- Be free from retaliation by the College, the accused, and/or their friends and family.
What is Consent?

Simply defined, consent is...Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity. So basically, if he/she hasn’t said YES, then the answer is NO!

At Manhattanville College, we take any form of sexual violence very seriously and are committed to keeping our campus safe. For more information on Manhattanville College's sexual assault policies please visit www.mville.edu/life/student-services/title-ix

Bystander’s make a difference!

We are all members of the same community and we all have a responsibility to keep ourselves and our community members safe. We need to help care for each other by intervening or interrupting harmful behavior or speech that’s witnessed by:

- Confronting people who seclude, hit on, try to make out with, or have sex with people who are incapacitated;
- Speaking up when someone discusses plans to take sexual advantage of another person;
- Calling police when a person is yelling at another and it is not safe for you to interrupt;
- Interjecting yourself into a conversation where another person seems unsafe;
- Refusing to leave the area (or call police) if a person is trying to get you to leave so they can take advantage of another;
- Speaking up when people use racist, sexist, homophobic, or other harmful language;
- Offering to drive an incapacitated friend home from a party;
Ensuring friends who are incapacitated do not leave the party or go to secluded places with others.
Definitions

We hear and use many words to describe sexual discrimination and other crimes. The College seeks to foster a community in which work and learning may proceed in a humane and caring atmosphere for all its members. Violation of Federal laws as well as College policy will not be tolerated. These definitions are provided so you understand how the college defines these terms.

**Rape:** Rape is a crime which is a form of criminal sexual assault. Every state has its own definitions of rape (please see criminal sexual assault). In general, rape is actual or attempted penetration accomplished by threats, coercion, or physical force. It includes nonconsensual vaginal, anal, or oral penetration by penis, finger, or any object. In the following circumstances, actual or attempted penetration is rape, because under NYS law, it is impossible for the following to give consent: when it is not consensual; individuals who are under the influence of alcohol or other controlled substances; who are physically helpless (including sleeping); who are under the age of 17; who are mentally incapacitated; and/or who are mentally disabled. Men and women, irrespective of sexual orientation, may be either perpetrators or victims.

**Sexual Violence:** Sexual violence is a broad term that encompasses sexual assault, ranging from verbal harassment to sexual assault or abuse to rape, sexual battery, sexual abuse, sexual coercion and sexual homicide. The perpetrator of sexual violence may be a stranger, friend, family member, or intimate partner. It is important to note that 90% of college rape victims know their offenders.

**Sexual Discrimination:** All forms of sexual harassment, including all forms of sexual harassment, sexual assault, and other sexual violence by college employees, students, or third parties. Students, college employees, or third parties are prohibited from harassing others whether or not the harassment occurs on the Manhattanville College campus. All acts of sexual discrimination, including sexual harassment and sexual violence, are prohibited by Title IX.
**Relationship Violence:** Relationship violence is violence that occurs between people who know each other: boyfriends and girlfriends or same sex partners whether or not they live together. The violence may be physical, emotional and/or sexual. It may include threats, enforced social isolation and/or humiliation, intimidation, harassment, emotional mistreatment or abuse, financial control, forced sex or making threats with regard to family, friends, and/or children. Some of the common terms used to describe relationship violence are courtship violence, battering, intimate partner violence, and dating violence or domestic violence.

**Stalking:** Stalking is defined as non-consensual communication with, and/or harassment of another person. It is the willful, malicious and repeated harassing or threatening of another person which, as a pattern, tends to escalate in both intensity and frequency over time and can last for many years. Stalking includes a direct or implied threat, and victims often report fear for their safety. Stalking is about power and control. Stalkers control the time, type, amount, and place of contact. No matter what the motivation for stalking, the unwanted behaviors are the same and may include, but are not limited to: repeated following, repeated telephone calls and hang-ups; letters; unwanted gifts and packages; spreading harmful gossip about victims; breaking and entering that can include vandalism, theft, or even simply rearranging objects so that victims know the stalker was there. Stalkers may also enlist their friends or associates to help them stalk or have their associates speak with friends of the victim to obtain information.

**Affirmative Consent:** Healthy sexual relations are consensual. Consent can only be given when intimate partners have equal power in determining the level of sexual intimacy that will or will not occur in their sexual encounters. Consent is never the mere absence of a “no.” It is never implied. Consent only emerges when there is a clear “yes” about what type of sexual intimacy is wanted by both intimate partners. And that agreement must be made without coercion. By establishing consent, one respects the other person's sexual boundaries, or preference to limit types of sexual involvement.
Affirmative Consent continued…

It is the responsibility of both intimate partners to clearly give consent for each sexual act, and for each time the sexual encounter occurs. Talking with one another while engaged in sex need not seem like a “cold shower.” It’s intimate. And having “hooked-up” previously and had a satisfying sexual experience does not automatically mean a follow-up sexual encounter is acceptable. Mutual consent is again expected and necessary.

Consent is based on free will and without any undue pressure. By legal standards, consent cannot be given if a person is incapacitated. Thus, it is essential to get and give consent well before sexual contact is initiated, when both people are not caught up in the moment and are, of course, sober. Consent can never be given if a person is intoxicated, drugged, asleep, unconscious, or underage. And consent is never all-inclusive, so at any time during the sexual encounter either person can renegotiate the agreement with a simple “no” or a request to end the sexual relation.

For additional definitions and information, please refer to the Manhattanville College Student Handbook/Code of Conduct

How to File a Complaint/Grievance

Manhattanville College recognizes the need to provide assistance to those involved in sexual harassment, sexual violence, domestic violence, stalking and dating violence incidents and has established procedures for that purpose. Any member of the Manhattanville College community who believes that s/he has been the victim of these alleged acts should immediately contact the Title IX Coordinator, Deputy Title IX Coordinators, or Campus Safety to learn more about the resources, the College’s process and procedures, and to file a complaint/report. Upon receiving a complaint, a College official will respond promptly, impartially, and thoroughly to ensure the community’s best interest by addressing any unacceptable behavior and providing support for the complainant. Some complaints can be resolved informally, whereas others may need to undergo a formal procedure.
How to File a Complaint/Grievance continued...

Any member of the College community who is informed about and/or witnesses potential sex discrimination has the responsibility to advise the person being harassed of this policy and to encourage reporting to the Title IX Coordinator, Deputy Title IX Coordinators, or Campus Safety. Members of the Student Affairs staff are specially trained to deal with sex discrimination concerns. “Mandated Reporters” are required to report all allegations of suspected sexual discrimination to the Title IX Coordinator.

The complainant may choose to file a report with Harrison Police Department or any other applicable law enforcement agency and, upon request, the College will assist the complainant in doing so. Any criminal investigation performed by law enforcement will be separate from the investigation performed by the College and will not impact the College’s investigation.

Manhattanville College reserves the right to investigate and take appropriate action in any matter of sex discrimination that is reported. Upon receipt of information that alleges a violation has taken place, the Title IX Coordinator will begin an investigation with the complainant’s consent. If the complainant does not consent, the Title IX Coordinator will determine if a complete investigation is necessary in order to respond effectively to the complainant and/or the college community to prevent any reoccurrence.

The College has developed both an informal and formal complaint procedure to respond to sexual discrimination. The use of the informal complaint procedure is optional. In instances where the complainant or the respondent involved does not wish to engage in the informal procedure, the formal procedure may be followed.

If the complaint/report is a charge of sexual harassment, not sexual assault, the Title IX Coordinator will mediate with the complainant and respondent. The complainant is not required to work out the problem with the respondent and has the right to terminate mediation at any time and proceed with a formal complaint.
**Informal Procedure:**

1. Some complaints of sex discrimination can be resolved through informal mediation between the complainant and respondent.
2. Once a report of sex discrimination has been made, informal resolution procedures will be pursued within seven calendar days of the initial report.
3. Informal procedures are never applied in cases involving sexual assault.
4. An investigation into the report will be initiated by the Title IX Coordinator within seven days of the report being made and the investigation will proceed expeditiously.
5. Once the informal resolution procedure is complete, written notification to all parties will be given by the Title IX Coordinator within one day of the determinations of findings.
6. Every reasonable attempt will be made to reach resolution no later than 60 days.
7. The College will take reasonable steps to prevent the recurrence of sex discrimination in any form.
8. Written notice of the outcome and appeal process will be given to those involved by the Title IX Coordinator within one day of the outcome.

**Formal Procedure:**

1. Upon receipt of a report from the complainant, The Title IX Coordinator will meet with the complainant within seven calendar days to gather pertinent information and materials and inform him/her of the process.
2. The Title IX Coordinator will contact the respondent within seven calendar days to discuss the allegations and to gather pertinent information and materials and inform him/her of the process.
3. To ensure a prompt and thorough investigation, the complainant and respondent should provide as much of the following information as possible:

   *The name of the person(s) allegedly causing sexual discrimination, a description of the incident(s), including date(s), location(s), and the presence of any witnesses.*
Formal Procedure Continued...

4. Preliminary administrative actions (i.e. interim suspension, no contact order, restricted access to campus facilities, housing reassignment, and academic modifications) may be taken immediately to preserve the safety and well-being of those involved and/or the campus community.

5. The Title IX Coordinator and/or the appointed investigator(s) will interview all pertinent parties regarding the allegation and write a summary of the information gathered during the interviews. All parties will be able to review the summary of their interview for accuracy and make corrections.

6. After the pertinent parties are interviewed, the Title IX Coordinator will interview witnesses and gather additional information regarding the allegations. All parties will have the opportunity to present witnesses and other evidence.

7. The Title IX Coordinator will keep the complainant and respondent up to date with the status of the investigation through its conclusion.

8. The Title IX Coordinator will summarize the information gathered from the investigation and make a final decision.

9. Every reasonable attempt will be made to reach resolution no later than 60 days.

If the respondent is not a member of the Manhattanville College Community, a Persona Non Grata (PNG) Status can be issued through Campus Safety. A PNG status prohibits the individual from coming onto campus. A violation of this order can result in a criminal trespassing arrest.

To view the full Complaint/Grievance Policy including sanctions, please refer to the Manhattanville College Student Handbook/Code of Conduct.
Amnesty/Good Samaritan Policy

Manhattanville College recognizes that in an alcohol or other drug-related emergency, the potential for disciplinary action by the College may act as a barrier to students seeking medical assistance for themselves, other students or guests; therefore, the College has a Medical Amnesty protocol as part of our comprehensive approach to reducing the harmful consequences caused by the consumption of alcohol or other drugs.

The College’s main concern is the well-being, health, and safety of its students. Medical Amnesty represents the College’s commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or other drug-related emergency. Medical Amnesty also promotes education for individuals who receive emergency medical attention related to their own use of alcohol or other drugs in order to reduce the likelihood of future occurrences.

Amnesty Protocol/Educational Follow up

An individual who calls for emergency assistance on behalf of a person experiencing sexual violence or any alcohol or other drug-related emergency will not face formal disciplinary action by the College for the possession or use of alcohol or other drugs if she/he agrees to participate in, and complete, the recommended educational expectations outlined by the college. The recipient of medical attention will also avoid formal disciplinary action by the College for the possession or use of alcohol or other drugs if she/he agrees to participate in, and complete, the recommended educational expectations outlined by the college. If an individual is documented or receives emergency medical assistance on more than one occasion due to excessive use of alcohol or other drugs, the situation will be evaluated so as to provide the student with additional resources and/or sanctions as needed or appropriate.

The Amnesty protocol applies to straightforward cases of alcohol or other drug-related emergencies. The Amnesty protocol does not excuse co-occurring student code of conduct infractions or other incidents related or unrelated to the medical emergency.
Be proactive

Keep yourself safe by following these safety tips:

• **Be aware of your surroundings**, know where you are and who’s around you. Never leave yourself open to a vulnerable situation.

• **Avoid bad situations**, at a party or a night out, never leave your drink unattended or accept a drink from a stranger. Do not give out your personal information.

• **Trust your instincts**, if you feel unsafe or uncomfortable, remove yourself from the situation and find a safe place.

• **Be assertive**, never let anyone violate your space.

• **Be proactive**, make sure your phone is fully charged and have it with you at all times. If on a date or even shopping by yourself, make sure someone know where you are at all times.

• **Use the buddy system**, If at a party or club, never go anywhere (including the bathroom) without a friend. And never ever leave a party or club alone or with someone you just met.

• **Stay in Control** of yourself and your objects. When drinking, stop when you’ve had enough. Say “YES” when you mean YES; say “NO” when you mean “NO”. Be aware of alcohol and drugs. Know your sexual desires and limits.

• **Practice Self Defense**, taking self defense classes would give you knowledge in advance about how to respond to certain situations and increase you chances of escape. There are many low cost or free classes available through schools and local communities.

• **Report!** If you see any suspicious activity, people, or vehicles, report it to Campus Safety. Never approach any dangerous or suspicious situations yourself. Campus Safety will access the situation and handle any issues or threats.
On-Campus Confidential Services

Manhattanville College Counseling Center
Monday—Friday 9:00 am—5:00 pm (914) 323-5155

Manhattanville College Health Center
Monday—Friday 9:00 am—5:00 pm (914) 323-5245

To report an incident, please contact:

Campus Safety (914) 323-7233
Dean of Students (914) 323-3134
Title IX Officer, Dr. John Balog (914) 323-5294

Off Campus Services

Crisis/Suicide Hotline (800) 273-8255
Harrison Police Department (914) 967-5111
NY Domestic Violence (800) 942-6906
Planned Parenthood (914) 761-6566
Rape Crisis Hotline 24/7 Hotline (845) 452-7272
Victims Assistance 24/7 Hotline (800) 827-2255
Westchester Medical Center (914) 493-7307
White Plains Hospital (ER) (914) 681-1155

Comments or questions, contact the Dean of Students at 914-323-3134 or email to deanofstudents@mville.edu