

WILDCATS REACH OUT

Campus Sexual Assault Victims' Bill of Rights

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The right to have any and all disclosures of domestic violence, dating violence, stalking, and sexual assault against them treated with seriousness and receive, from the institution, courteous, fair, and respectful health care and counseling services, where available.

The right to be free from any kind of pressure from University staff that victims: a. Not report crimes committed against them to civil and criminal authorities or to campus safety and residence life staff; or b. Report crimes as lesser offenses than the victims perceived them to be.

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The right to have sexual assault committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred, if the victim so chooses, including make a report to local law enforcement and/or the state police; and the right to the full and prompt cooperation and assistance of University staff in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.

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The right to be free from any kind of suggestion that sexual assault victims not report, or under-report, crimes because: a. victims are somehow 'responsible' for the commission of crimes against them; b. victims were negligent or assumed the risk of being assaulted; or c. by reporting crimes they would incur unwanted personal publicity.

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The right to participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard and in so doing, to describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.

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The right to report any inappropriate action, or lack thereof, in the handling of a reported sexual assault on the part of the University as a Title IX complaint.

Access to at least one level of appeal of a determination.

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The same right to legal assistance, or ability to have others present, including an advisor of their choice, in any campus disciplinary proceeding that the institution permits to the accused; and the right to be notified of the outcome of such proceeding.

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Be protected from retaliation by the institution, any student the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution.

After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that appropriate University staff take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing, and transfer of classes if requested by the victims.

The right to counseling services from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves.

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Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of Daemen University.

REPORTING & SUPPORT

● Available 24/7, 365

● Confidential

DAEMEN
UNIVERSITY

*Listen. Believe.
Be Patient. Support.*

AVP for Student Affairs & Dean of Students
716-839-8519
kspicer@daemen.edu

Director of Community Standards and Student Advocacy
716-839-8200
mrodrig1@daemen.edu

Title IX Coordinator
716-566-7880
thamilto@daemen.edu

Campus Safety (Wick Center)
716-839-SAFE (7233)

Amherst Police Department
716-689-1311 or 911 in emergency

Crisis Services of Buffalo Hotline
716-834-3131

NYS Domestic and Sexual Violence Hotline
1-800-942-6906

Counseling Services (The CHIP Center)
716-839-7380
daemen.edu/counselingsupport

FREQUENTLY ASKED QUESTIONS (FAQS)

Campus Sexual Assault Victims' Bill of Rights

Q I was drinking and/or using other substances when the incident occurred. Am I responsible?

A In a word, No. In order for individuals to engage in sexual activity of any type with each other, there must be affirmative consent. Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by word or action, but non-verbal consent is less clear than explicit verbal consent. Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity. Silence – without actions demonstrating permission – cannot be assumed to show consent. Coerced sexual activity violates this policy just as much as physically forced sexual activity does. Coercion happens when someone unreasonably pressures someone else for sex. Persons impaired from using alcohol or other drugs are considered unable to give affirmative consent.

Q What steps will the University take after I report the incident?

A The response from the University exists on a continuum, from basic steps to help the student to a comprehensive conduct investigation and hearing, and everything in between. The Dean of Students (or designee) will discuss all of the potential options with you, based on the circumstances, and let you be informed about the best way to proceed. The University can:

- Issue Orders of No Contact between both students, which will forbid all forms of communication, including electronic and via a third party;
- Issue Persona Non Grata orders to the accused student banning him/her from certain locations which the complainant frequents (such as a residence hall);
- Adjust housing assignments and class schedules;
- Connect the student with Crisis Services of Buffalo and/or the Special Victim's Unit of the Amherst Police Department;
- Offer counseling services

Please bear in mind that this is not an exhaustive list (meaning there are other things that the University can do), but it really depends on how the student wants to move forward. It is important to note that the University does have an obligation, once it knows about an incident which may present an imminent threat to the campus community to take necessary steps to protect the campus community. In such an event, the student reporting the incident will be protected to the best extent possible.

Q But I am worried that I will get in trouble for what I was doing before the incident occurred.

A Daemen wants to know if an incident has occurred so we can 1) help the student and 2) protect the rest of the campus community. To that end, the University has adopted an amnesty policy for certain special situations and more traumatic incidents. The full policy is available in the Student Handbook www.daemen.edu/studenthandbook), but in short, please know a victim who comes forward to report a sexual assault and who may have consumed drugs or alcohol if underage, will not be subject to review for that consumption under the Daemen University Code of Conduct.

Q What is an investigation?

A During an investigation, if the student chooses to move forward, the University will have a trained professional talk to the reporting student, and the accused student (we use the terms complainant and respondent, respectively) to get as much detail as possible. We will also want to talk to any and all witnesses, as provided by both students, who were there before, during, and after the incident and collect any other sort of documentation or evidence. This can include email messages, social media (Facebook, Twitter, Instagram, etc.) posts or pictures, text messages, voicemails, etc. If you choose to move forward in this manner, the University will be thorough to determine whether we move forward to a hearing.

Q A hearing sounds scary- do I have to be in the same room with the person and answer their questions?

A The short answer is No. The Student Handbook outlines the full procedures for hearings, but in special cases, many accommodations can be made for you. Some students want to go into a room with the person to share their story; some do not. The University can, and will, adjust the proceedings to your level of comfort. This could include conference call, video conferencing, never being in the room at the same time, and even not being present at all. In those cases, the Investigator would serve as the complainant and share all relevant information and evidence as collected.

Q Ok. What happens next?

A If the student moves forward with a hearing, after the case is heard, a determination of responsibility is made and then, if the respondent is found responsible, sanctions are issued. Typically, being found responsible for this type of infraction would result in suspension or expulsion. You would then be informed of the outcome of the hearing and what steps have been taken.

Q What if I am not happy with the results?

A Then you can appeal. Both the respondent and complainant have the right to appeal a decision made at a hearing. This entire process is coordinated in consultation with the Title IX Coordinator. The Title IX Coordinator is a high level administrator at the University tasked with ensuring that the University meets its obligations under the law and ensures equal access to all services.

Q One final question...what about my parent(s) /guardian(s)?

A The only time the University will reach out to parents is if we feel that a student is a potential harm to to them-self or others. While we feel that it is always best for you to keep your parent(s)/guardian(s) informed, we know that this is a highly person situation and that everyone's family situation is different. We will help you to process what makes the most sense for you, but again, that decision rests with you.