Article 129-B requires higher education institutions to adopt a statewide uniform definition “affirmative consent,” which provides:

“Affirmative consent is 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 the 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.”
Amnesty

When reporting instances of sexual misconduct in good faith, students or bystanders will not be subject to alcohol and/or drug use policy violations occurring around the time of the alleged incident. Such a policy is intended to encourage reporting by eliminating students’ hesitations to report sexual misconduct out fear that their own conduct may subject them to disciplinary action.
Sexual Assault

*Sexual Intercourse:* the penetration of the penis into the vagina, however slight--in other words, if the penis goes into the vagina just a little, not in its entirety that is considered completed "sexual intercourse". (There is no requirement of physical injury and usually there is no requirement that ejaculation or orgasm have occurred.)
Sexual Assault

*Criminal Sexual Act (Oral or Anal Sexual Conduct):* does not require any penetration and occurs upon contact between penis and mouth, penis and anus (rectum), mouth and anus, or mouth and vaginal area.
Sexual Assault

*Sexual Contact*: any touching of the sexual or intimate parts of the body whether over or under clothing:

- done for the purpose of gratifying the sexual desire of either party
- includes the touching of the victim’s sexual or intimate parts by the perpetrator AND the touching of the perpetrator’s sexual or intimate parts by the victim
Sexual Assault

Forcible Touching:

• the intentional and forcible touching of another done for the purpose of degrading or

• abusing another person or done for the purpose of gratifying the defendant’s sexual desire includes squeezing, grabbing, or pinching
Sexual Assault

*Aggravated Sexual Contact:* insertion of a foreign object (e.g. coke bottle, broom handle, etc.) into the vagina, urethra, penis or rectum.

- Insertion of a finger into vagina, urethra, penis or rectum causing injury, constitutes 2nd degree sexual offense
- If the insertion of the object causes physical injury, this constitutes a 1st degree sexual offense
- If no injury occurs, this constitutes a 3rd degree sexual offense.
Sexual Assault

**Sexual Exploitation:** Taking abusive or nonconsensual sexual advantage of another. Examples include:

- Taking or transmitting sexual photographs, videos, or audiotapes without consent, or causing or permitting others to take or transmit such photographs, videos, or audiotapes without consent.
- Watching another engage in sexual activity or contact without consent; viewing another nude without consent (e.g. watching someone in the shower without consent); allowing a third party to observe sexual acts without a partner’s consent.
Sexual Assault

• **Sexual or Gender-Based Harassment:** This includes:
  – Unwelcome sexual advances, requests for sexual favors, and other nonverbal, expressive or physical conduct of a sexual nature
  – Other verbal, nonverbal, or physical acts, or acts of aggression, intimidation or hostility, when based on gender or gender-stereotyping.

• Examples include:
  • Unwanted flirtation, advances, or propositions of a sexual nature.
  • Insults, humor, jokes, or anecdotes (not legitimately related to the subject matter of a course, if one is involved) that belittle or demean an individual’s or a group’s sexuality or gender.
  • Unwelcome comments of a sexual nature about an individual’s body or clothing.
  • Physically threatening a person because of his or her gender identity or expression or sexual orientation
Immediate Medical Treatment

Within the first 72 hours after an assault, a special exam (rape kit) should be conducted that includes the collection of evidence that may be used in a criminal prosecution. The exam is necessary to evaluate your physical condition as well as maintain your legal options. New York State has established Sexual Assault Forensic Examiner programs (SAFE) in hospitals designated as 24 hour centers of excellence. Safe programs have specially trained health professionals, Sexual Assault Nurse Examiners (SANE) that will ensure that a victim of sexual assault is provided with compassionate, competent, and prompt care, while providing the most advanced technology associated with forensic evidence collection and preservation.
S.A.N.E.

• **How does someone get to a S.A.N.E. Center?**
  A person may go directly to a center, ask a member of the NYIT Student Services staff to accompany them, or request the assistance of the Nassau County Police or New York City Police.

• **When does the center operate?**
  The S.A.N.E. Center is available 24 hours, 7 days a week.

• **How much does the exam cost?**
  The exam will be done at NO COST to the victim.

• **Do I have to go to the exam alone?**
  You may go alone or have someone you trust accompany you. You may also request a sexual assault advocate to meet you at the hospital.
### Where is a S.A.N.E. Hospital Located?

**Manhattan:**

<table>
<thead>
<tr>
<th>Hospital</th>
<th>Location</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellevue Hospital</td>
<td>462 1st Avenue, New York, NY 10010</td>
<td>212.562.3019</td>
</tr>
<tr>
<td>Crime Victims Treatment Center</td>
<td>411 West 114th Street, New York, NY 10025</td>
<td>212.523.4781</td>
</tr>
<tr>
<td>Mount Sinai Medical Center</td>
<td>1 Gustave L. Levy Place, New York, NY 10032</td>
<td>212.305.2255</td>
</tr>
<tr>
<td>Columbia Presbyterian Hospital</td>
<td>622 West 168 Street, New York, NY 10029</td>
<td>212.423.2140</td>
</tr>
<tr>
<td>Harlem Hospital Center</td>
<td>506 Lenox Avenue, New York, NY 10037</td>
<td>212.939.2250</td>
</tr>
<tr>
<td>St. Luke’s-Roosevelt Hospital</td>
<td>1111 Amsterdam Avenue, New York, NY 10025</td>
<td>212.523.3335</td>
</tr>
</tbody>
</table>
Where is a S.A.N.E. Hospital Located?

Nassau:
North Shore University Hospital 300 Community Drive
Manhasset, New York 11030 516.562.4125

Suffolk:
Victims Information Bureau of Suffolk PO Box 346
Central Islip, NY 11722 631.360.3730
What is Domestic Violence?

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, or psychological harm inflicted by a current or former intimate partner or spouse.
What is Dating Violence?

Dating violence is characterized as controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in straight or gay relationships. It can include verbal, emotional, physical, or sexual abuse, or a combination
Domestic and Dating Violence Facts:

• One in every four women will experience domestic violence in her lifetime.
• An estimated 1.3 million women are victims of physical assault by an intimate partner each year.
• 85% of domestic violence victims are women.
• Historically, females have been most often victimized by someone they knew.
• Females who are 20-24 years of age are at the greatest risk of nonfatal intimate partner violence.
• Most cases of domestic violence and dating violence are never reported to the police.
Types of Dating and Domestic Violence

**Physical violence** is the intentional use of physical force (e.g., shoving, choking, shaking, slapping, punching, burning, or use of a weapon, restraints, or one's size and strength against another person) with the potential for causing death, disability, injury, or physical harm.
Types of Dating and Domestic Violence

**Sexual violence** can be divided into three categories: (1) the use of physical force to compel a person to engage in a sexual act unwillingly, whether or not the act is completed; (2) an attempted or completed sexual act involving a person who, because of illness, disability, or the influence of alcohol or other drugs, or because of intimidation or pressure, is unable to understand the nature or condition of the act, decline participation, or communicate unwillingness to engage in the act; and (3) abusive sexual contact.
Types of Dating and Domestic Violence

Threats of physical or sexual violence communicate the intent to cause death, disability, injury, or physical harm through the use of words, gestures, or weapons.
Types of Dating and Domestic Violence

**Psychological/emotional violence** traumatizes the victim by acts, threats of acts, or coercive tactics (e.g., humiliating the victim, controlling what the victim can and cannot do, withholding information, isolating the victim from friends and family, denying access to money or other basic resources). In most cases, emotional violence has been preceded by acts or threats of physical or sexual violence.
Common warning signs of abuse:

- Checking cell phones, emails or social networks without permission
- Extreme jealousy or insecurity
- Constant belittling or put-downs
- Explosive temper
- Isolation from family and friends
- Making false accusations
- Erratic mood swings
- Physically inflicting pain or hurt in any way
What should I do if I feel I am being abused to stay safe?

- If you are in immediate danger contact 911
- Contact the police.
- Consider getting a court order that tells the abuser to stay away from you
- If you are on campus, contact campus security
- Take threats seriously and act in a manner to protect your safety
- Contact a crisis hotline, domestic violence or rape crisis program
- Develop a safety plan which includes things like changing your routine and avoid traveling alone.
- Tell important people in your life about the abuse including the police, your employer, family, friends, and neighbors.
- Carry a cellphone at all times so you can call for help.
- Develop a safety plan.
Stalking

STALKING IS A CRIME

Stalking is a series of actions that make the victim feel afraid and in danger. Stalking usually escalates over time and is often violent therefore you must take stalking seriously.

Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.
Stalking

• Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email
• Repeatedly leaving or sending victim unwanted items, presents, or flowers
• Following or laying in wait for the victim at places such as home, school, work, or recreation place
• Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.
• Damaging or threatening to damage the victim's property
• Harassing victim through the internet
Some things stalkers do:

- Repeatedly call you
- Repeatedly hang up
- Send unwanted gifts
- Send unwanted emails, texts and Facebook postings
- Damage your car, home, residence hall room and property
- Use technology to track you
- Repeatedly drive by your house, school or work
What should I do if I feel I am being stalked to stay safe?

- **If you are in immediate danger contact 911**
- Contact the police. Every state has stalking laws
- Consider getting a court order that tells the stalker to stay away from you
- If you are on campus, contact campus security
- Don’t communicate with the stalker or respond to attempts to contact you
- Save all text messages, voicemails and emails. Keep all evidence of the stalking
- Take threats seriously and act in a manner to protect your safety
- Contact a crisis hotline, domestic violence or rape crisis program
- Develop a safety plan which includes things like changing your routine and avoid traveling alone.
- Tell important people in your life about the stalking problem, including the police, your employer, family, friends, and neighbors.
- Carry a cellphone at all times so you can call for help.
- Consider changing your phone number (though some people leave their number active to collect evidence). You also can ask the phone company about call blocking and other safety features.
Cyberstalking

Cyberstalking is using the Internet, email, or other electronic communication to stalk someone. Examples of cyberstalking included:

- Sending unwanted, frightening, or obscene emails, text messages or instant messages or FB messages and other social media
- Harassing or threatening someone in a chat room
- Posting improper massages on FB and other social media
If you are cyberstalked:

• Send the person a clear, written warning not to contact you again

• If the stalking continues, get help from the police. You also can contact a domestic violence shelter and the National Center for Victims of Crime Helpline for support and suggestions.

• Print out copies of evidence such as emails. Keep a record of the stalking and any contact with police.

• Consider blocking messages from the harasser.
Victim’s Rights

• You have the choice to report the sexual assault, stalking or dating and domestic violence to the college, local police or both. This can be done by informing the Dean of Campus Life and/or Campus Security. If the accused assailant is an NYIT/NYITCOM student, faculty or staff employee an investigation by NYIT/NYITCOM will be conducted. You will also be connected to both on-campus and off-campus.

• Under the Title IX, if a member of the NYIT/NYITCOM faculty, staff, and/or administrators is informed about an assault, the assault must be reported to the dean of students or Campus Security in order to protect and maintain the safety of the NYIT community. The Title IX coordinator will oversee the investigation and process. The only exception to this is information that is reported during a counseling session at the Counseling and Wellness Center.
Victim’s Rights

• Reasonable changes to the academic and living situations
• Referrals to counseling, Receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community
• Assistance in notifying law enforcement
• Obtain or enforce a no contact directive or restraining order
• Same opportunity as accused to have others present at disciplinary hearing
• Unconditional notification of outcomes of hearing, sanctions and terms of sanctions in place
• Opportunities and assistance to speak (or choose not to speak) to anyone regarding the outcome
• Name and identifying information kept confidential (FERPA)
Victim’s Rights

In addition, all students" have the right to:

• Make a report to local law enforcement and/or state police;
• Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
• Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
• Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
• Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
• Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
• Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
• 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;
• Access to at least one level of appeal of a determination;
• Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
• Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution."
Counseling Services

• **NYIT’s Counseling Services** offer short-term counseling to NYIT students who may be experiencing personal, social, or academic concerns. Licensed professional counselors assist students in developing greater self-understanding as well as strategies for effective problem solving to enhance personal development and academic success. Individual and group sessions are available for students to discuss any personal concern that may be affecting them and/or distracting them from their studies.

[NYIT Counseling & Wellness](#)
Counseling Services
Contact Information

Old Westbury  Manhattan
Harry J. Schure Hall 26 W. 61st Street
Room 208 Mezzanine Level
516.686.7976 212.261.1770

Alice Burke
Harry Schure Hall
Room 208
516.686.7683
aburke@nyit.edu
Title IX Coordinator

Mary Ann Achtziger
Associate Dean
NYIT College of Osteopathic Medicine
Serota Hall, Room 213
(516) 686-3775
maachtzi@nyit.edu
Campus Security

In an emergency, call 911 first. Then call Campus Security at:

Old Westbury - 516.686.7789
NYIT Policies

- NYITCOM Student Handbook
- A Guide for Surviving Sexual Assault
- Domestic and Dating Violence
- Are You Being Stalked?
- Victim's Rights
Just in Case supplies potentially life-saving information to NYIT students, staff, and faculty.

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Manhattan 212.261.1770

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How are you feeling?

Mental health is a key part of your overall health. Brief screenings are the quickest way to determine if you or someone you care about should connect with a mental health professional - they are a checkup from your neck up. This program is completely anonymous and confidential, and immediately following the brief questionnaire you will see your results, recommendations, and key resources.

NEW YORK INSTITUTE OF TECHNOLOGY

TAKE A SCREENING