

# the policy: the short version

This policy informs the Skidmore community of our values and outlines violations of a sexual or gender-biased nature. This policy identifies an individual's rights, options, and resources, and describes actions an individual may take if they experience an incident of sexual or gender-based misconduct or are accused of sexual or gender-based misconduct.

## definitions

### What is Affirmative Consent?

- Informed, freely and actively given
- Clear communication which is mutually understood
- Both partners want the same thing in the same way at the same time
- It is the responsibility of the initiator to get affirmative consent.
- Every new act requires new consent
- Cannot be given by someone who is incapacitated by drugs or alcohol, or is asleep
- Cannot be given by minors (under 17) or mentally disabled individuals
- A knowing, voluntary, and mutual decision

### What is not Affirmative Consent?

- Force, threat of force, coercion, fraud, intimidation

### Prohibited Conduct

- **Sexual harassment**
- **Sexual assault**
  - a. **Sexual penetration**
  - b. **Sexual touching, disrobing, and/or exposure**
- **Sexual exploitation**
- **Intimate-partner violence**
- **Stalking**
- **Attempted act**
- **Retaliation**

## reporting options

### Reporting to Confidential or Anonymous Sources

- Reports made to a confidential or anonymous source (see list on back) will not be investigated by the College unless a Reporting Individual chooses to file a formal complaint.

### Reporting to Non-Confidential Sources

- Any sexual or gender-based misconduct report made to a student in a position of authority, staff, or faculty will be forwarded to the Title IX Deputy Coordinator for investigation, but every effort will be made to protect the privacy of the Reporting Individual.
- Findings or results of the investigation will determine the range of next steps.

### Reporting to Law Enforcement

- It is the Reporting Individual's decision whether or not to file a criminal complaint.
- To report to local law enforcement, Reporting Individuals should contact the Saratoga Springs Police Department at 518-584-1800.
- To report to the New York State Policy Campus Sexual Assault Victims Unit, Reporting Individuals should call 844-845-7269.

## help

### Interim Measures

Regardless of whether the Reporting Individual wishes to pursue a formal report or complaint, the following interim measures are available to either the Reporting Individual or Responding Student:

- Change of housing
- Assistance from college staff
- Exam/assignment rescheduling
- Taking an incomplete in class
- Transferring class sections
- Alternative class completion options
- No-contact directive

## formal complaints

### What happens when a formal complaint is filed?

#### Immediate Response

After a report of sexual or gender-based misconduct is made, safety alerts may be posted. When possible, Reporting Individuals are involved in the creation of the safety alert. Administration provides any needed immediate responses, accommodations, and support services.

#### Investigation

Trained investigators will conduct a thorough and impartial investigation. Findings or results of an investigation will determine the next steps.

#### Adjudication Panel

In the event that a finding of the investigation warrants a panel:

- Panel consists of three trained members: administrators or faculty
- All panels are closed to the public
- Options for separation of Reporting Individual and Responding Student during the panel are available

For the full version of Skidmore's Sexual and Gender-Based Misconduct Policy, visit [www.skidmore.edu/sgbm](http://www.skidmore.edu/sgbm).

## Student Bill of Rights

Under the Sexual and Gender-Based Misconduct Policy, all students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the Responding Student, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual, accused, or Responding Student throughout the conduct process including during all meetings and panels related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the institution.

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C O L L E G E

## Resources

### CONFIDENTIAL RESOURCES

The incident and your name will **not** be shared with anyone.

#### HEALTH SERVICES

- Jonsson Tower, first floor
- 518-580-5550\*

#### COUNSELING CENTER

- Jonsson Tower, first floor
- 518-580-5555

#### WELLSPRING

- 518-584-8188 (24-hour hotline)
- Wellspring Advocate available during specified hours in the Student Wellness Center, Case 308

#### SGA ATTORNEY-ON-RETAINER

- 518-584-8000; one free consultation for legal advice and referral

\*After hours, access on-call confidential services through Campus Safety at 518-580-5566.

### ANONYMOUS RESOURCES

The date and location will be reported, but names will not be included.

#### VICTIM ADVOCATES

- Contact Jen McDonald to schedule a meeting: 518-580-5684

#### PEER HEALTH EDUCATORS

- PHEs have scheduled hours in the Student Wellness Center, Case 308. PHEs@skidmore.edu

### PRIVATE REPORTING SOURCES

Private Reporting Sources will treat your information with respect and care, and will be required to disclose information to protect the safety of the campus community.

#### TITLE IX COORDINATOR

- Joel Aure: Palamountain 434, 518-580-5708

#### CAMPUS SAFETY, Basement of Jonsson Tower

- 518-580-5566

#### STUDENT AFFAIRS

- Mariel Martin, Title IX Deputy Coordinator
- Case 310, 518-580-8212

### OFF-CAMPUS REPORTING

- Saratoga Springs Police Department: 518-584-1800
- New York State Campus Sexual Assault Victims Unit: 844-845-7269

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fifth edition