UNIVERSITY AT ALBANY
STATE UNIVERSITY OF NEW YORK

COORDINATED RESPONSE TO
STALKING and INTIMATE PARTNER ABUSE

PURPOSE

The University at Albany is committed to providing a campus environment that is free of violence for all members of the campus community. For this reason, the University at Albany does not tolerate stalking or intimate partner abuse (dating abuse, relationship violence) and will pursue the perpetrators of such acts to the fullest extent possible. The University at Albany is also committed to supporting victims of stalking and partner abuse through the appropriate provision of safety and support services. This policy applies equally to all student members of the University at Albany community. This policy does not substitute or supersede the standards of conduct outlined and available to students in Community Rights & Responsibilities located at: albany.edu/judicial/conduct.shtml. In addition, the Office of Human Resources Management has policies in place for students, faculty and staff who are employed by the University. These policies are located on the Web at: hr.albany.edu/.

Intimate partner abuse and stalking interfere with the University’s educational mission and with students’ aspirations and abilities by:

- Causing emotional and/or physical harm to community members;
- Contributing to an atmosphere of fear and distrust;
- Offending the dignity and violating the autonomy of community members;
- Disrupting the academic progress of partners and/or former partners.

It is essential that victims of stalking or intimate partner abuse receive support services as soon as possible. Stalking and intimate partner abuse are covered by this policy and the University at Albany has a separate policy addressing sexual assault. This document provides definitions, outlines procedures for responding and reporting and resources.

DEFINITIONS

Intimate Partner Abuse is often referred to as relationship violence, domestic violence, or dating violence. It is a pattern of coercive behaviors that serve to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological, verbal and/or emotional in nature. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married.
Intimate partner abuse includes, but is not limited to:

- Knowingly restricting the movements of another person, e.g., isolating, confining or obstructing a person for a period of time; monitoring a person’s activities; preventing a person from engaging in academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University; removing a person from residence or University;

- A course of conduct (e.g., a pattern of actions composed of two or more acts over a period of time) that places a reasonable person (e.g., person who, in a similar situation would be afraid of the perpetrator’s behavior) in fear, such as threats, manipulations, intimidations, verbally and/or emotionally abusive behaviors, or exhibiting extreme possessiveness or jealousy;

- Vandalism of property owned, rented or in the possession of the victim that induces fear, intimidation or manipulation;

- Defamation or slander against the victim or those close to the victim;

- Attempting to cause or causing bodily injury or offensive physical contact, e.g., slapping, pulling hair, punching, sexual assault.

Stalking is defined as course of conduct (pattern or repeated) by a stranger or acquaintance directed at a specific person that directly or indirectly distresses, intimidates or threatens and places a reasonable person in fear. An extension of the physical form of stalking also includes incidents where technology such as online communication, posting on social media sites or other similar devices are used to pursue, intimidate or threaten and place a reasonable person in fear.

Stalking behaviors include, but are not limited to:

- Non-consensual communication, including, but not limited face-to-face, telephone, voice message, electronic mail, text messages, social network postings, instant messages, postings of pictures or information on web sites, letters, unwelcome gifts and/or contact;

- Following, pursuing, waiting or showing up uninvited to workplace, place of residence, classroom or other locations frequented by the victim;

- Defamation or slander against the victim or those close to the victim;

- Threatening or obscene gestures directed towards the victim;
• Trespassing;
• Vandalism;
• Surveillance and other types of observation, whether by physical proximity or electronic means including, but not limited to: gaining unauthorized access to personal, medical, and financial, identifying information;
• Threats by the harasser to engage in self-harm (e.g., I will kill myself) or threat to harm others the victim cares about (this can also include harm to pets);
• Unwelcome touching or physical contact;
• Direct physical or verbal threats towards victim.

PROCEDURES: RESPONDING AND REPORTING

The University at Albany respects the victim’s right to choose whether or not to report incidents of stalking and intimate partner abuse to the police, and offers services to victims even if they choose not to report the incident(s). The Sexual Assault Prevention Program (442-5800) is available to inform students of appropriate referrals and reporting options. The University at Albany strongly encourages reporting of all incidents of stalking and intimate partner abuse to law enforcement authorities.

Considerations

Reporting incidents of stalking and intimate partner abuse can sometimes compromise individual safety. In order to provide appropriate support and services, this policy delineates options for reporting.

I. ENSURE SAFETY

• Assess whether the situation is putting the victim and others in the community in imminent danger.

• Call police immediately if imminent danger is assessed.
  University Police and/or Five Quad Ambulance: call 911 from a campus phone OR 518-442-3131.

Note that 911 calls placed from a cellular phone are automatically routed to State or local Police and you will need to identify the city and address you are calling from. It is good practice to program University Police in your cell phone, 518-442-
3131, for use in case of an on-campus incident/emergency.

II. SERVICES FOR VICTIMS

Medical

A student may benefit from immediate medical attention in instances of stalking, intimate partner abuse, and/or sexual assault. The medical evaluation can provide needed attention to injuries (external and internal) and document abuse for possible use in an investigation or for criminal or judicial proceedings. Sleep deprivation and eating issues are consequences of experiencing abuse or assault. Medical attention can be provided through emergency rooms, University Health Center or a primary care provider, depending on imminent need. Transportation for services will depend on the condition of the individual at the time of report.

- Transport from the uptown or downtown campus to a local hospital. UAlbany’s Five Quad Ambulance, 911 from a campus phone or 518-442-3131.
- In a medically urgent situation off campus or on the East Greenbush campus, call 911.

**IMMEDIATE Medical Services ~ Off campus**

- Albany Medical Center 518-262-3131
- Memorial Hospital 518-271-3257

**University Medical Services ~ On campus**

- University Health Center 518-442-5454 (during regular business hours).

For Information regarding ongoing non-police related safety concerns, including referrals to resources both, on and off campus the Sexual Assault Prevention Program (518-442-5800) or the Vice President’s Office for Student Success (518-956-8140) should be contacted, during regular business hours. Resources are also available on the web at -- albany.edu/counseling_center/sexualviolence

Psychological

A student may experience a number of emotions with regard to a first incident or a pattern of stalking or intimate partner abuse. A student may benefit from discussing the resources, sorting out what has happened or exploring how they may want to proceed. The Coordinator for Sexual Assault Prevention and University Counseling Center can provide confidential information and support.
On Campus Services

Coordinator for Sexual Assault Prevention 518-442-5800 (during regular business hours); albany.edu/counseling_center/sexualviolence

University Counseling Center 518-442-5800; albany.edu/counseling_center/

Off Campus Services

Crime Victims Sexual Violence Center 518-447-7100 (office); 518-447-7716 (24 hour hotline) provides medical advocacy, court advocacy, and counseling for the victim, family and friends of those affected by a crime.

albanycounty.com/cvsvc/

Equinox Domestic Violence Center and Shelter 518-432-7865 (24 hour hotline), court advocacy, counseling; equinoxinc.org/services.html

In Our Own Voices 518-432-4188 (during regular business hours), support and advocacy for LGBTQ people of color; Inourownvoices.org

III. REPORTING OPTIONS

University personnel may be required to report certain types of crime (time, date, location) to the appropriate administrative office. The person receiving a report from the victim should not ask for this information nor accept it without first telling them how it may be utilized and that it could involve a community notification (discussed below in section IV).

Levels of Disclosure and Confidentiality

The Sexual Assault Prevention Program, the University Counseling Center and the University Health Center provide confidential services to students.

Incidents that come to the attention of the Vice President for Student Success, University Police or Residential Life may be shared with appropriate offices on a need-to-know basis, to the extent allowed by policy, law or the privacy interests of those involved.

Of note: If court proceedings take place the student’s confidentiality may be jeopardized.

Official Reporting

University students, employees, and visitors are strongly encouraged to make an official report of any incident of stalking and intimate partner abuse to the University at Albany Police or Police in the jurisdiction where it occurred. In instances where it involves
either one or both students, an official report can also be made to Conflict Resolution & Civic Responsibility. In the state of New York, the laws mandate that a law enforcement officer, including University Police, arrest without a warrant when the officer has probable cause to believe that a person has been a victim of domestic violence, which includes people who are (or have been) in an intimate relationship.

**On-Campus Incidents**

Students have several options for reporting on campus incidents and should be informed that they can choose to report the incident through a criminal process, to pursue a campus conduct review, or pursue both processes simultaneously. Students may also file a sex discrimination complaint.

**Criminal Process**

The University Police Department (UPD) conducts investigations of on-campus stalking and intimate partner abuse, and they can be reached 24 hours a day at 518-442-3131 (or 911 from an on campus phone). The University Police Department will process a complaint or legal charges against the alleged perpetrator for on campus incidents. University Police are also available to consult with victims about criminal prosecution, campus judicial review, and referrals to appropriate authorities for off-campus incidents.

**Campus Conduct Review**

Conflict Resolution & Civic Responsibility may proceed with the complaint as outlined in the *Community Rights & Responsibilities* document that details the procedures for proceeding with a complaint. The Director of Conflict Resolution & Civic Responsibility (518-442-5501) and/or the Associate Director of Residential Life/Quad Supervisor (518-442-5875) will assist in filing a complaint for possible university disciplinary action against the alleged perpetrator.

**Title IX Complaints and Investigations**

Title IX states that all students have equal educational opportunity free from sex discrimination, including sexual harassment and other forms of sexual violence. The Title IX coordinator is responsible for the University’s compliance with this regulation including, but not limited to, systematically monitoring and evaluating policy and procedures that effectively and efficiently respond to complaints of sex discrimination. This process differs from the criminal process and campus judicial review, and neither of these investigations relieves the University from its Title IX obligation to take appropriate action to investigate and end sexual violence, including intimate partner abuse and stalking, prevent its recurrence and address its effects. Individuals with questions or concerns related to Title IX, or to file a complaint about inequitable policy and procedures including those governing investigations and hearings may contact the Title IX Coordinator (518-956-8110).
Note: For on-campus reports the University Police are a community policing organization, and make every effort to be sensitive to the needs of victims. All members of the University community should inform the student that such reporting does not obligate the victim to cooperate in pressing charges. Other reasons for the victim to inform police include: 1) giving themselves the option of pressing charges at a later date; 2) making police aware of potential danger to other students; and 3) having an incident report on file in case the same assailant persists in harming them or puts others in the community at risk.

Anonymous or Third Party Reporting

Anonymous Reports: Any University at Albany student (victim or third party) can anonymously report a stalking or intimate partner abuse incident via: http://police.albany.edu/crime_report.shtml

Bystander/Third Party Reporting: Any member of the University community can file a third party report with details of a stalking or intimate partner abuse incident. It is important to note that the University cannot initiate a formal disciplinary action or a criminal complaint against the alleged offender based on a third party report. However, the report is still encouraged, as it can provide important and useful information for protecting the community-at-large and connecting similar reports while simultaneously protecting the victim's anonymity to the extent permitted by law.

Off-Campus Incidents

If the assault took place off-campus, the victim may report the incident to the police department with jurisdiction (e.g., Albany, Colonie, or Guilderland Police).

The student may request that a victim’s advocate from Albany County’s Crime Victim and Sexual Violence Center (CVSVC) accompany them throughout the criminal proceedings.

Note: University Police can document a report of an off-campus stalking or intimate partner abuse, but they do not take an official report leading to criminal charges. This must be done by the victim at the local police agency. UPD will seek the victims’ consent to notify the appropriate off-campus authorities. Neither the name nor other identifying information will be disclosed without the victim’s consent. However, it is the practice of UPD to report if and when a felony has been committed in the jurisdiction of another police department. The incident may be reported to off-campus police by date, time, approximate location, and type of crime. In such cases, a designated representative from UPD will share information with a designated representative from the off-campus police department.
IV. INFORM THE UNIVERSITY

Students are encouraged to report all incidences of sexual violence to the University in order to receive help in accessing support services. However, if a student does not wish to inform the University, please refer him/her to confidential services through the Sexual Assault Prevention Program, University Counseling Center or the University Health Center.

Time, Date, and Location Reports

When there is not a threat to the community the person receiving the report should request the consent of the victim to notify the Vice President for Student Success or a designee of the time, date, and location of the incident.

University personnel are encouraged to consult their supervisors when they have concerns or doubts regarding the safety or well-being of a victim or another person, in order to take steps to assure the safety of the victim and others.

Community Notification

In instances of stalking and intimate partner abuse where there is risk of danger to the community, the Vice President for Student Success must be informed. In accordance with the Clery Act, a community notification will be issued whenever appropriate. The Vice President for Student Success will evaluate, on a case by case basis, those instances which suggest potential danger to other members of the University community. In such cases, the University administration must report the crime to the University community. Consideration will be given to the victim's welfare. As soon as is reasonably possible the victim will be notified of a community notification. The notification will never involve the posting of identifying information of the victim.

V. ONGOING SAFETY OPTIONS

For Information regarding ongoing non-police related safety concerns, the Coordinator for Sexual Assault Prevention (518-442-5800) or the Office of the Vice President for Student Success (518-956-8140) should be contacted

Students may request academic accommodations, alternative housing options, or formal orders of protection, such as a cease and desist order or restriction of access to the University by non-students or non-employees (persona non grata). In some circumstances an order of protection may be sought from the court of appropriate jurisdiction against alleged perpetrator. Contact the Coordinator for Sexual Assault Prevention for information and referrals to resources, both on and off campus at 518-442-5800. Resources are also available on the web at albany.edu/counseling_center/sexualviolence
1**Cease and Desist ("C&D") order:** This is a written directive issued to a University at Albany student(s) to halt all contact and communications with another student(s). Communication includes, but is not limited to, verbal, physical or electronic communication. If either party violates the cease and desist order, formal judicial action could occur as a result. Cease and Desist orders are typically issued at the discretion of the staff within the Department of Residential Life and/or the Office of Conflict Resolution & Civic Responsibility.

2**Persona Non Grata ("PNG") letter:** This is a written directive, typically issued to a non-University at Albany student prohibiting that individual from being on any of the University at Albany grounds or in its buildings. Once issued a PNG, if the person is discovered on campus grounds, they could be subject to arrest by the University Police Department. PNG letters are issued at the discretion of the Office of the Vice President for Student Success, the Office of Conflict Resolution & Civic Responsibility, or the University Police Department and the Maintenance of Public Order policy is used as a guide to issue such a letter.

**Retaliation**

Retaliation is an intentional act taken against an individual who initiates any sexual misconduct complaint, including stalking or intimate partner abuse, pursues legal recourse for such a complaint, or participates in any manner in the investigation of such a report. Any act of retaliation is prohibited and is subject to disciplinary action. Reports of retaliation should be made to the Director of Conflict Resolution and Civic Responsibility at (518-442-5501) and/or the Associate Director of Residential Life/Quad Supervisor (518-442-5875) who will assist in filing a complaint for University disciplinary action.

**VI. RESOURCES**

With a victim’s consent the Vice President for Student Success or designee will provide a coordinated response that includes a variety of resources. A student’s friends and family can also be a source of support, however friends and family should only be contacted with the students’ expressed permission. The following is a list of available services to provide support to the victim. **It will be up to the victim to choose.**

**University Resources:**

- The Coordinator for Sexual Assault Prevention (518-442-5800) for information and referrals to resources on and off campus;

- The University Counseling Center for mental health services (518-442-5800);

- The University Health Center for health services (518-442-5454);

- The Department of Residential Life for housing accommodations if a Student lives in University Housing (Main Office 518-442-5875);

- Undergraduate Education (518-442-3950) and Graduate Studies (518-442-3980) and/or teaching faculty to facilitate academic accommodations;
Disability Resource Center (518-442-5490), International Student Services (518-591-8189), Intercultural Student Engagement (518-442-5566), Student Involvement and Leadership (518-442-5566), as appropriate;

Title IX Coordinator, who oversees all sex discrimination complaints (518-956-8110);

The Interfaith Center staff for spiritual support to the student (518-489-8573).

Off-Campus Resources:

Crime Victim and Sexual Violence Center (CVSVC) 518-447-7716.

VII. VICTIM’S RIGHTS

Students on our campus have the right to live free of behaviors that interfere with their ability to attain their educational goals. Students who report stalking or intimate partner abuse have the right to:

- Treatment with dignity and respect, not subjected to biased attitudes or judgments;
- Not have past and irrelevant conduct discussed during any resulting proceedings;
- Changes in academic and/or living situations if possible;
- Be free from any threat of retaliation or other attempt to prevent the reporting of stalking or intimate partner abuse;
- All support services regardless of the choice to file a University or criminal complaint;
- Submission of a written account of the incident and a victim-impact statement;
- Have a person of choice, including legal counsel or an advocate, present throughout the proceedings, as set forth in the student code of conduct;
- Have one’s identity protected, in accordance with student code of conduct or other legal requirements;
- Receive written notice describing or pursuing options of a criminal complaint with the appropriate law enforcement agency, to pursue the University’s disciplinary process, or to pursue both processes simultaneously;

8/27/13