

Options for Confidentially Disclosing Sexual Violence

The State University of New York and the College at Old Westbury want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

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Privileged and Confidential Resources:

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At SUNY College at Old Westbury, this includes:

- The Office of Counseling & Psychological Wellness, located in the Student Union Rotunda:
 - Dr. Trisha Billard, Director
516-876-2195
billardt@oldwestbury.edu
 - Dr. Lauren Becker, Staff Psychologist
516-876-3053
beckerl@oldwestbury.edu
- College at Old Westbury physicians, licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship:
 - Student Health Services
Susan Mundy, RN, Director
516-876-3033
mundys@oldwestbury.edu
Campus Center, I-Wing, 1st Floor

Off-campus options to disclose sexual violence *confidentially* include (note that these outside options do not provide any information to the campus):

Off-campus counselors and advocates.

Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency. A comprehensive list of off-campus options to disclose sexual violence confidentially can be found at <http://www.oldwestbury.edu/title-ix/resources>.

S.A.N.E. is the Sexual Assault Nurse Examiner Program which provides victims of rape and sexual assault with expert, confidential medical care and emotional support. Additional information about S.A.N.E. may be found at <https://www.nassaucountyny.gov/564/Sexual-Assault-Nurse-Examiner> or by calling 516-222-2293. A list of local S.A.N.E. hospitals and programs can be found at <http://www.oldwestbury.edu/title-ix/resources>.

Off-campus healthcare providers.

Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

Non-Professional Counselors and Advocates:

Non-professional counselors and advocates can also assist you without sharing information that could identify you. At SUNY College at Old Westbury this includes members of the Women's Center, located in Student Union/Suite 301K. More information is available by calling 516-876-5025 and at <http://www.oldwestbury.edu/womens-center>. These individuals will report the nature, date, time, and general location of an incident to the College's Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

Privacy versus Confidentiality:

Even College at Old Westbury offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. The College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How SUNY College at Old Westbury Will Weigh the Request and Respond:

If you disclose an incident to a College at Old Westbury employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed. While reporting individuals may request accommodations through several college offices, the following offices can serve as a primary point of contact to assist with these measures:

- Title IX Coordinator, 516-876-3179; or
- Office of the Dean of Students, 516-876-3067

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless SUNY College at Old Westbury's failure to act does not adequately mitigate the risk of harm to you or other members of the College community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you. When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, the College will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking, the increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor;
- Whether we possess other means to obtain evidence such as security footage; and
- Whether the report reveals a pattern of perpetration at a given location or by a particular group.

If the College at Old Westbury determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and the College will take immediate action as necessary to protect and assist them.

Public Awareness/Advocacy Events:

If you disclose a situation through a public awareness event such as Take Back the Night, Bystander Intervention Workshop, RAINN Day, candlelight vigils, protests or other public events, the College is not obligated to begin an investigation. The College may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure:

In addition to the in-person options outlined above, persons who wish to anonymously report or seek assistance related to incidents of sexual assault and/or violence can do so using the College's "Silent Witness - Sexual Assault Anonymous Report" available online at <http://www.oldwestbury.edu/police/silent-witness>.

Institutional Crime Reporting:

Reports of certain crimes occurring in certain geographic locations will be included in SUNY College at Old Westbury's Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual. Questions about this can be directed towards:

- Title IX Coordinator, 516-876-3179; or
- University Police, 516-876-3333

The College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual or victim/survivor). A reporting individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parent's prior year federal income tax return. Generally, the College will not share information about a report of sexual violence with parents without the permission of the reporting individual.