

A07. Non-Harassment Policy

Includes New York State Sexual Harassment Prevention Policy Standards¹

Applies to:	All Employees	Overseer:	VP of Business Affairs
Published in:	Policy Manual Employee Handbook	Additional Reviewers:	
Created on:	01/26/2019	By:	Andrew Weiler
Revised on:	04/21/2023	By:	Andrew Weiler

Policy Statement:

EBIC's Non-harassment Policy applies to all employees, applicants for employment, volunteer staff, third parties, interns, whether paid or unpaid, contractors, and persons conducting business with EBIC. We prohibit harassment including, but not limited to sexual harassment, for any reason based on a "protected class" including, but not limited to: veteran status, uniform service member status, race, color, religion, sex, national origin, age, physical or mental disability, genetic information, or any other protected class under federal, state, or local law. Harassment of third parties by our employees is also prohibited.

EBIC campus housing and/or employment is limited to those persons who embrace and abide by the EBIC Statement of Faith and Community Living Agreement is a matter of EBIC doctrine and is not harassment. That being understood, EBIC does fully support all state and federal prohibitions against harassment on the basis of sexual preference and gender identity and no harassment is permitted for any reason or in any manner.

No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information or otherwise assists in any investigation of a sexual harassment complaint. Any employee of EBIC who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Anyone who believes they have been subject to such retaliation should inform the EVP and may also seek compensation in other available forums, as explained below in the section on Legal Protections.

EBIC will enforce sanctions against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Additionally, EBIC has a Title IX coordinator. Every student is entitled to inquiries concerning Title IX and has the right to contact the institution's Title IX coordinator in such instances. Sexual harassment complaints may be submitted directly to the Title IX coordinator by filling out the Title IX complaint form at <https://form.jotform.com/6221504777156>. Students also have the right to file a complaint with the Office of Civil Rights at <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

Procedure:

1. This policy is posted in the institution's Policy Manual and made available through Populi and the local area network.
2. In accordance with the Matthew 18 principle, EBIC encourages employees who feel that they have been subject to sexual harassment to confront the offender and seek to resolve the situation. In some situations, asking an offender to stop will keep a would-be harassment situation from

¹ Minimum standards for NYS Sexual Harassment Prevention Policy <https://www.ny.gov/combating-sexual-harassment-workplace/employers>

escalating. If a resolution is not found, individuals who feel that they have been harassed must report the incident to the EVP. Employees are encouraged to use the Sexual Harassment Complaint form available on the Populi and through this link directly: (<https://form.jotform.com/83123575040146>) Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to the EVP.

3. EBIC will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment. All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Reported sexual harassment will be investigated in the following manner.
 - a. The complaint of sexual harassment will be received by the EVP unless the complaint concerns the EVP. In that case, it should be directed to the president.
 - b. When the complaint JotForm is used, a copy of the submitted JotForm will automatically be sent to both the EVP and the President. The president will involve another member of the President's Cabinet to assist in hearing and investigating the complaint. The report will be assessed and investigated by this executive team and a plan of action will be determined.
 - c. Additional information may be requested from the reporter.
 - d. The offender will be given an opportunity to respond.
 - e. Depending on the severity of the complaint, the following actions may be taken:
 - i. The offender may be asked to stop certain behaviors.
 - ii. The offender may be asked to embrace a corrective action plan.
 - iii. The offender may be released from employment at EBIC.
 - iv. In cases of illegal activity, law enforcement will be contacted and the BOT will be notified.
 - f. The reporter will be notified of the general action taken in regard to their complaint.

Examples of Harassment and Sexual Harassment:

While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes, and teasing.

Furthermore, sexual harassment includes physical assaults of a sexual nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body, rape, sexual battery, molestation, or attempts to commit these assaults, unwanted sexual advances or propositions, subtle or obvious pressure for unwelcome sexual activities, sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, sexual or discriminatory displays or publications anywhere in the workplace, hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender.

Legal Protections and External Remedies:

Sexual harassment is not only prohibited by EBIC but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at EBIC, employees may also choose to pursue legal remedies with the following governmental entities at any time.

1. **New York State Division of Human Rights (DHR).** Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly

in state court under The Human Rights Law (HRL), within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint.

2. **The United States Equal Employment Opportunity Commission (EEOC).** An individual can file a complaint with the EEOC anytime within 300 days from the harassment. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.
3. **Local Protections.** Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists.
4. **Contact the Local Police Department:** If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

A09. Student Complaint Process¹

Applies to:	Students	Overseer:	EVPP
Published in:	Policy Manual Academic Catalog Website	Additional Reviewers:	President President's Cabinet IE Director
Created on:	2/10/2016	By:	Danuta Case / Emily Sanders
Revised on:	12/8/2023	By:	Cassandra Wilhelm

Policy Statement:

A complaint may be initiated by a student when he/she believes they have been treated unjustly. EBIC provides a way for students to address personal grievances and file any complaints whether the grievance is against EBIC or its staff and faculty or another student or tenant. Anonymous complaints or feedback for EBIC, Faculty, or staff may also be submitted to the "Suggestion Box" located in the College Hall Student Lounge.

Procedure for grievances against EBIC, faculty, or staff:

1. Each student is encouraged to first attempt to resolve his/her grievance by consulting with the accused staff/faculty member.
2. If the student believes that the issue has not been resolved, he/she should communicate with the faculty/staff supervisor.
3. If the student still believes the issue has not been resolved, he/she may submit a [Student Complaint](https://form.jotform.com/60406376635962) (<https://form.jotform.com/60406376635962>) form. This form is sent directly to Executive Vice President and Provost (EVPP) as well as the President. The EVPP will investigate the matter unless the complaint concerns him/her. At that point, the President may appoint another person to handle the matter or he/she may choose to address it him/herself. The process may require contacting other parties involved and offering to meet with the student individually, as well as meeting with other members involved in the matter.
4. Once all of the information from the investigation has been gathered, the EVPP (or another designated, unbiased employee) will issue a letter/email that determines the position of the school on the matter. This letter/email will be sent to all the individuals associated with the complaint and it will include information about appealing the decision, including the President's Cabinet members. A written appeal may be sent from the student to the President's Cabinet within five business days of receiving the letter.
5. If the student feels that he/she has been treated unfairly in the process outlined above or that the issue has not been resolved, he/she may report the incident to the New York State Board of Regents ([NYSED Complaint Procedure: http://www.nysed.gov/college-university-evaluation/filing-complaint-about-college-or-university](http://www.nysed.gov/college-university-evaluation/filing-complaint-about-college-or-university)), Transnational Association of Christian Colleges and Schools ([TRACS Complaint Form: https://tracs.org/Documents/3.TRACSComplaintForm-AgainstInstitution_000.pdf](https://tracs.org/Documents/3.TRACSComplaintForm-AgainstInstitution_000.pdf)), or National Council for State Authorization Reciprocity Agreements ([Student Complaints Process: https://nc-sara.org/student-complaints](https://nc-sara.org/student-complaints)).
6. Academic-related complaints will be stored in the Provost's office, and all other complaints will be stored digitally on a Google Drive with two people having access to it, which is the IE Director and the EVPP.

¹ TRACS Accreditation Standard II.17.3

All links to various complaint forms are available on the website at <https://elim.edu/student-life/student-achievement/>.

Procedure for grievances against another student or tenant:

1. Each student is encouraged to first attempt to resolve their grievance by consulting with the offending student or tenant, according to the Matthew 18 principle. If a student, for whatever reason, feels unsafe to do so alone, such student is permitted to ask another person, or they may ask a dean, to assist them in the confrontation. It is, however, the responsibility of the student themselves to state their concerns with whom they have a grievance.
 - a. For student – student issues: the student will meet with the offending student, sharing their concern in a spirit of love. The student will send a follow-up email to the offending student recapping the meeting.
 - b. For student – tenant issues: the student will meet with the offending tenant, sharing their concern in a spirit of love. The student will send a follow-up email to the Executive Vice President and Provost (EVPP) recapping the meeting with the tenant.
2. If the student still believes the issue has not been resolved, they may submit a [Student Complaint \(https://form.jotform.com/60406376635962\)](https://form.jotform.com/60406376635962) form. This form is sent directly to EVPP as well as the President. The EVPP will investigate the matter and determine the path to resolution.

All links to various complaint forms are available on the website at <https://elim.edu/student-life/student-achievement/>.

Sexual harassment or sexual violence grievances can be filed using the Title IX complaint form at <https://form.jotform.com/6221504777156>. Students also have the right to file a complaint with the Office of Civil Rights at <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>. For further information, refer to the *Sexual Violence Response* policy and the *Title IX Policy*.

R06. Sexual Assault Prevention Information (6432 – NYSED Article 129-A)

Applies to:	Everyone on EBIC Campus	Overseer:	Campus Safety Coordinator
Published in:	Policy Manual Student Handbook	Additional Reviewers:	Title IX Coordinator
Created on:	6/20/2014	By:	Danuta Case
Revised on:	6/6/2022	By:	Emily Cepeda

Policy Statement:

Each college shall inform incoming students about sexual assault, domestic violence, and stalking prevention measures through programs which may include workshops, seminars, discussion groups, and film presentations, in order to disseminate information, promote discussion, encourage reporting, and facilitate prevention of sexual assault, domestic violence, and stalking.

Such information shall include, but not be limited to the:

- Applicable laws, ordinances, and regulations relating to such offenses;
- Penalties for the commission of a sex offense, a domestic violence incident, and a stalking offense;
- Procedures in effect at the college for dealing with such offenses;
- Availability of counseling and other support services for the victims of such offenses;
- Nature of and common circumstances relating to sex offenses, incidents of domestic violence, and stalking offenses on college campuses;
- Methods the college employs to advise and to update students about security procedures.

Procedure:

The following website to New York State Laws is provided for users' convenience; it is not the official site for the State of New York laws. <http://codes.lp.findlaw.com/nycode>

For definitions of specific sex offenses see <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>.; click **Laws**, scroll to find, and select **PEN**.

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of New York State Consolidated.

<http://public.leginfo.state.ny.us/menugtf.cgi?COMMONQUERY=LAWS>

The guidelines, penalties, and procedures dealing with such offenses are described in:

- The policy for Bias-Related Crime Prevention
- Student Handbook: Code of Conduct, Dorm Life Guidelines, and Campus Safety

R09. Sexual Violence Response (6444 – NYSED Article 129-B)

Applies to:	Everyone on EBIC Campus	Overseer:	Campus Safety Coordinator
Published in:	Policy Manual	Additional Reviewers:	Dean's Department Title IX Coordinator
Created on:	7/12/2016	By:	Jacob Smales
Revised on:	5/23/2023	By:	Emily Cepeda

Policy Statement:

In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below. These options are for students who wish to seek aid and help in cases of sexual violence.

Procedure:

Confidential Reporters

To disclose *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services.

- Title IX Coordinator

Non-Confidential Reporters

To disclose the incident to one of the following college officials who can offer *privacy* and can provide information about the following:

- Remedies
- Accommodations
- Evidence preservation,
- How to obtain resources.

Those officials will also provide the information contained in the Student's Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

- Safety Team (585) 355-1428
- Advisory Committee (names are posted in every building on billboards)
- All full-time staff who serve as Faculty in some capacity
- Dean's Department
- Admin Committee
- All Full and Part-Time Staff (Non-Faculty)

Filing an Institutional Complaint of Sexual Assault, Sexual Violence or Dating Violence

Contacts for Institutional Reporting

- Title IX Coordinator Cassandra Wilhelm, 585-497-7979 cassandrawilhelm@elim.edu
- Title IX Complaint Form
 - [Elim.edu](#) > [Student Life](#) > [Student Right to Know](#) > [Student Complaint Resources](#) > [Title IX Complaint Form](#)
- Safety Team: Available 24 hours a day, seven days a week at 585- 355-1428

- Human Resources: Andrew Weiler, 585-582-8301, andrewweiler@elim.edu
- *Note: You may withdraw your complaint or involvement at any time.*

Title IX Coordinator, Cassandra Wilhelm, 585-497-7979, cassandrawilhelm@elim.edu

- To receive assistance from the Title IX Coordinator in initiating legal proceedings in family court or civil court.
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with Elim Bible Institute and College policy and the reporting individual's identity shall always remain private if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may call the Title IX Coordinator's office
- When the accused is an employee, a reporting individual may also report the incident to the Title IX Coordinator or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

Human Resources, Andrew Weiler, 585-582-8301, andrewweiler@elim.edu

- Every college shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to a college designated representative, the following information shall be presented to the reporting individual:

“You have the right to make a report to the Dean of Students’ Office, Campus Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

Filing Criminal Complaint of Sexual Assault, Sexual Violence or Dating Violence

- Livingston County Sheriff Department, 4 Court St, Geneseo, NY 14454: 585-243-7100
- State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.
- Title IX Coordinator: To receive assistance in initiating legal proceedings in family court or civil court.

Resources:

Intervention and Counseling

Agape Counseling
 21 Willow Pond Way, Suite 103, Rochester, NY 14526
 585-385-6030
<https://www.agaperoc.org/>
 Mon-Fri 9am-4:30pm
 Rate: \$55-\$105 dependent on income

Family Counseling & Mediation Services, Inc.
 24 West Ave, Spencerport, NY 14559
 585-739-3715
<http://fcmsrochester.com/about-counselors.html>

Hours are Flexible Mon-Fri
Rates are flexible

Health and Sexual Disease Resources

Monroe County STD/HIV Disease Control Program
111 Westfall Road, Rochester, NY 14692
585-753-5391

<https://www.monroecounty.gov/health-nursing-STD-HIV>

Open to Monroe County residents
Free

Monroe County Sexually Transmitted Disease Clinic
855 West Main Street, Rochester, NY 14611
585-753-5481

<https://www.monroecounty.gov/health-nursing-STD-HIV>

Mon, Thu 9:00AM-3:30PM; Tue, Wed 8:00AM-3:30PM; Fri 7:30AM-11:30AM
No appointment necessary
Open to Monroe County residents
Free

New York State Department of Health (Rochester Regional Office)
355 East Main Street, Rochester, NY 14604
800-962-5063

<https://211midyork.org/detail.php?id=31463125>

Mon-Fri 8:30AM-4:45PM
No appointment necessary
Open to New York State residents
Free

Obtaining Sexual Assault Forensic Examination

Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital.

- Highland Hospital 1000 South Ave, Rochester, NY 14620 [\(585\) 473-2200](tel:5854732200)
- Strong Memorial Hospital, 601 Elmwood Ave, Rochester, NY 14642 [\(585\) 275-2100](tel:5852752100)

While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. 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 funds. 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: <https://ovs.ny.gov/>

To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

Protection and Accommodations

No Contact Order

When the accused is a student, to have the college issue a “No Contact Order,” consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with Elim Bible Institute and College’s policy. Parties may submit evidence in support of their request.

Order of Protection

Students may obtain assistance from the Title IX Coordinator or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.

Both the accused/respondent and the protected person(s) may obtain a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it.

- Can obtain an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- Can receive assistance from the Safety Team in effecting an arrest. When an individual violates an Order of Protection call the emergency phone line. A Safety Team member can be reached by calling (585) 355-1428 at any time. The Safety Team does not have arresting powers but will assist in notifying and coordinating with local law enforcement in effecting an arrest for violating such an order.

Interim Suspension (Student)

When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension.

Interim Measures (Non-Student Community Member)

When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and Elim Bible Institute and College policies and rules.

Persona Non Grata (Non-Community Member)

When the accused is not a member of the college community, to have assistance from the Campus Safety Coordinator or other college officials in obtaining a Persona Non Grata letter, subject to legal requirements and college policy.

Interim Accommodations

- A student can obtain reasonable and available accommodations and interim measure that may include a change in academic, housing, employment, transportation, or other applicable arrangements to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Students may request accommodations through any of the offices listed below:
 - Title IX Coordinator Cassandra Wilhelm, 585-497-7979 cassandrawilhelm@elim.edu
 - Safety Team (Emergency) 585 355-1428 campussafety@elim.edu
- Parties may request a prompt review of the need for and terms of any interim measures and

accommodations that directly affect them.

Student Conduct Process:

To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the Policy Manual (Campus Safety Chapter) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file or otherwise held by Elim Bible Institute and College.
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements or dismissal.
- Access to at least one level of appeal of a determination before a panel such as the Administration Committee. The panel may also include one or more students, who are fair and impartial. This

would exempt any individuals with a conflict of interest.

- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
 - Records can be retrieved from the Dean's Department
 - The right to choose whether to disclose or discuss the outcome of a conduct hearing.
 - The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

R10. Campus Climate Assessments (6445 – NYSED Article 129-B)

Applies to:	EBIC	Overseer:	Campus Safety Coordinator
Published in:	Policy Manual	Additional Reviewers:	IE Director
Created on:	7/1/2016	By:	Jacob Smales
Revised on:	6/6/2022	By:	Emily Cependa

Policy Statement:

Elim Bible Institute and College shall conduct, no less than every other year, a campus climate assessment to ascertain general awareness and knowledge of the various degrees of sexual assault and harassment. This assessment shall be distributed to students via a survey to be completed online.¹ Elim ensures that students who participate in this survey will remain completely anonymous.

The results from these surveys are published on Elim's website under Student Right to Know and provide no personally identifiable information or information which can reasonably lead a reader to identify an individual.

Information obtained from these assessments shall not be subject to discovery or admitted into evidence in any federal or state court proceeding. Nor are they considered for other purposes in any action for damages brought by a private party against Elim, unless, at the discretion of the court, any such information is deemed to be material to the underlying claim or defense.

Procedure:

The assessment shall include questions covering, but not be limited to, the following:

- a. The Title IX Coordinator's role;
- b. campus policies and procedures addressing sexual assault;
- c. how and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor, or witness;
- d. the availability of resources on and off campus, such as counseling, health, and academic assistance;
- e. the prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period;
- f. bystander attitudes and behavior;
- g. whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
- h. the general awareness of the difference, if any, between the institution's policies and the penal law; and
- i. general awareness of the definition of affirmative consent.

¹ The law neither requires that the survey be given to all nor limits the survey to representative samples. These decisions are to be made by each institution.

R11. Options for Confidentially Disclosing Sexual Violence (6446 – NYSED Article 129-B)

Applies to:	Everyone on EBIC Campus	Overseer:	Campus Safety Coordinator
Published in:	Policy Manual	Additional Reviewers:	Title IX Coordinator Deans' Department
Created on:	7/13/2016	By:	Jacob Smales
Revised on:	6/7/2022	By:	Emily Cepeda

Policy Statement:

The State of New York and Elim Bible Institute and College 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.

Privacy versus Confidentiality:

Elim Bible Institute and College 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. Elim Bible Institute and College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Privileged and Confidential Resources:

On Campus 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 Elim Bible Institute and College, this includes:

Title IX Coordinator

Off Campus Confidential Resources

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

Rape:

Rape Crisis Center, Rochester, NY: Monroe County 24-hour Hotline 585-546-2777

Nationwide RAINN National Rape Crisis Hotline: 800-656-4673

New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

Domestic Violence:

Alternatives for Battered Women, Rochester NY: Call 585-232-1741 for 24/7 confidential services.

Domestic Violence Hotline: 800-829-1122

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: <https://ovs.ny.gov/>, or by calling 1-800-247-8035.

Options are explained here: <https://ovs.ny.gov/help-crime-victims>.

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 Elim Bible Institute and College, this would be the Dean's Department. These individuals will report the nature, date, time, and general location of an incident to Elim Bible Institute and 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.

Requesting Confidentiality: How Elim Bible Institute and College Will Weigh the Request and Respond:

If you disclose an incident to a Elim Bible Institute and College 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. Reporting individuals may request accommodations through the Title IX Coordinator and Dean's Department. 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.

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 Elim Bible Institute and College's failure to act does not adequately mitigate the risk of harm to you or other members of the Elim 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, Elim Bible Institute and 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; and

- 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.

Public Awareness/Advocacy Events:

If you disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, or other public event, Elim Bible Institute and College is not obligated to begin an investigation. Elim Bible Institute and College may use the information you provide to inform the need for additional education and prevention efforts.

Institutional Crime Reporting:

Reports of certain crimes occurring in certain geographic locations will be included in the Elim Bible Institute and College Clery Act and Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor. If you wish to report such a crime contact:

- Safety Coordinator: Emily Cepeda 585-497-7921 campussafety@elim.edu
- Title IX Coordinator – Cassandra Wilhelm 585-497-7979 cassandrawilhelm@elim.edu

Elim Bible Institute and 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 based on parents most recent income tax statement.

R12. Student Onboarding and Ongoing Education (6447 – NYSED Article 129-B)

Applies to:	Students	Overseer:	Campus Safety Coordinator
Published in:	Policy Manual	Additional Reviewers:	Title IX Coordinator Dean's Department
Created on:	7/4/2016	By:	Jacob Smales
Revised on:	6/7/2022	By:	Emily Cepeda

Policy Statement:

Elim Bible Institute and College has adopted a comprehensive student onboarding and ongoing education campaign to educate members of the institution's community about domestic violence, dating violence, stalking, and sexual assault, in compliance with applicable federal laws, including the Clery Act as amended by the Violence Against Women Act reauthorization of 2013, 20 U.S.C. 1092(f).

Procedure:

Onboarding Initiative to Educate Students

Elim Bible Institute and College provides a series of programs during the first semester for first year students (including transfer and mid-term students) making them aware of, at minimum, the topics below. The training is given using a method and manner appropriate to Elim's practices and culture. The training will take place during the first month of the fall and spring semesters. It will include:

- Elim's stance of prohibiting sexual and interpersonal violence and will offer resources to any victims and survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of Elim Bible Institute and College;
- Relevant definitions including, but not limited to, the definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent;
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
- The role of the Title IX Coordinator, campus security, Dean's Department in addressing domestic violence, dating violence, stalking, and sexual assault prevention and response;
- Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact;
- Bystander intervention and the importance of taking action to prevent violence when one can safely do so;
- Risk assessment and reduction including, but not limited to, steps that potential victims, perpetrators, and bystanders can take to lower the incidence of violations, which may contain information about the dangers of drug and alcohol use, including underage drinking and binge drinking, involuntary consumption of incapacitating drugs and the danger of mislabeled drugs and alcohol, the importance of communication with trusted friends and family whether on campus or off campus, and the availability of institution officials who can answer general or specific questions about risk reduction; and
- Consequences and sanctions for individuals who commit these crimes and code of conduct violations.

This training is for all new students, regardless of whether they may be a first-year, transfer, undergraduate, graduate, or professional student.

Ongoing Initiatives to Educate Students

Elim Bible Institute and College in compliance with Article 129 B offers to all students general and specific training in domestic violence, dating violence, stalking and sexual assault prevention and shall conduct a campaign that complies with the Violence Against Women Act, 20 U.S.C. 1092(f), to educate

the student population. Elim Bible Institute and College shall, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees, leaders, and officers of registered or recognized student organizations, and online and distance education students. Elim Bible Institute and College shall also provide specific training to members of groups that the institution identifies as high- risk populations.

Elim Bible Institute and College shall educate students in a variety of methods including but not limited to:

1. Through classroom teaching- Mandatory courses such as Ethics and Marriage and the Family each cover various parts of the problems of domestic violence, dating violence, stalking and sexual assault and how alcohol and psychology can affect behavior. These classes increase awareness of sexual violence, its impact on victims/ survivors their friends and family.
2. Through a special Title IX training conducted by the Title IX Coordinator and the Safety Coordinator.
3. RAs will be trained on sexual assault and will be required to talk with their cadre on sexual assault. This is to educate the students on a peer level and allow a greater degree of discussion and sharing that can take place in other mandated trainings.
4. Elim Bible Institute and College's Advisory Committee will conduct a review of all incidents reported in that year or any issues that may have arisen and make their recommendations based on any issues relating to sexual assault to the Title IX Coordinator.

Requirements for Student Leaders and Athletes

Elim Bible Institute and College shall require that each student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, complete training offered by the Title IX Coordinator and Safety Coordinator on domestic violence, dating violence, stalking, or sexual assault prevention prior to receiving recognition or registration. If intercollegiate athletics is offered at any time all athletes will be to complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to participating in intercollegiate athletic competition.

Annual Assessments

Elim Bible Institute and College shall regularly assess programs and policies established pursuant to this article to determine effectiveness and relevance for students in compliance with Article 129 B.