

# How SUNY Brockport Responds to Disclosures of Sexual/Gender-Based Misconduct and Interpersonal Violence

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— SUNY —  
**BROCKPORT**

# Welcome to SUNY Brockport!



What I'm going to talk about may feel embarrassing and personal



This may be triggering

# Case Scenario

- You and Ella are friends.
- She tells you that someone on her floor, Marcus, asked her for her number, and now he won't stop texting her
- He tells her how beautiful she is, asks her about her sexual experiences, tells her about his own, and has repeatedly asked her for nude photos
- Ella is upset and just wants Marcus to stop
- What do you do?

# What Should You Do?

- ❖ Do you ask Ella if she's told Marcus to stop texting her?
- ❖ Do you offer to tell him yourself?
- ❖ Do you tell her to just ignore him?
- ❖ Do you suggest she tell the RA or RD – or anyone else on campus?
- ❖ Do you know what Ella's rights are?
- ❖ Do you know if there's anyone Ella can talk to confidentially on campus?
- ❖ Are you aware of any ways SUNY Brockport can support Ella?

# What We're Covering

Reporting sexual  
misconduct/sexual  
violence

Your rights as  
students

Resources

How SUNY  
Brockport  
responds



# Title IX is a federal law that states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title IX of Education Amendments of 1972  
(20 U.S. Code § 1681)



# We're Talking About a Few Laws

- Federal and state laws require that the University responds
- University policies comply with the laws



# The Who and Where??

Who is protected  
by these policies?

Where do they  
apply?

- Do you have to be on campus to be protected?





# What type of behavior is prohibited?

- ☐ Sex (gender-based) discrimination
- ☐ Sexual harassment, sexual assault, dating violence, domestic violence, and stalking
- ☐ Other forms of sex discrimination:
  - ☐ Gender identity/non-conformity
  - ☐ Sexual Orientation
  - ☐ Sexual Exploitation
  - ☐ Unequal Pay
  - ☐ Pregnancy



# Retaliation

## ☐ **Retaliation is also prohibited.**

The law and our policies protect an individual who:

- ☐ *makes a complaint* of sex discrimination, sexual harassment, sexual violence, etc.
- ☐ *participates in the investigation* of such a complaint (i.e., witnesses);
- ☐ *opposes conduct* that is reasonably believed to violate Title IX, Enough is Enough, Code of Student Conduct, etc.;
- ☐ *is a family member or friend* of the person making the complaint/report.



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# Who Needs to Report this Conduct?

- Faculty and Staff on campus, because they are mandatory reporters
- They are NOT confidential
- And they must report this type of misconduct to the Title IX Coordinator
  - ❖ By the way, that's me!

# Confidential Reporting Options

Counseling  
Center

Student  
Health  
Center

RESTORE  
(Rape  
Crisis  
Services)

- Connect with Sarah Link or call the 24 hour hotline

Willow  
Domestic  
Violence  
Center



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# Affirmative Consent

Applies to Higher Ed only

Note: This definition is different than the definition of “consent” under NYS Penal Code for sex crimes.

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Affirmative Consent is required.

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It's the *knowing, voluntary, and mutual* decision among all participants to engage in sexual activity.

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Consent may be given by *words or actions*, as long as those words or actions create *clear* permission regarding willingness to engage in the sexual activity.

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The *person initiating* each specific sexual act is responsible for obtaining consent, regardless of whether s/he is under the influence of drugs or alcohol.

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*Silence or lack of resistance*, in and of itself, does not demonstrate consent.

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The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.



# Reasons Why Victims Don't Report What Happened

- Self-blame, feeling ashamed
- Fear of retaliation
- Being confused, unsure if they were actually assaulted because it was by someone they trusted
- Uncertainty about whether the incident was “serious enough”
- Perception of insufficient evidence
- Uncertainty about whether a crime was committed or harm intended
- Narrative of Victim Blaming
- Accusations of False Reports
- Marginalized Identities
- Lack of Trust in the System
- Concern that men of color are already disproportionately penalized
- Concerns about Confidentiality
- If drinking or other drugs involved, fear of getting into trouble



# Amnesty Policy

Underage  
drinking

Illegal use of  
other drugs



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# What Happens After a Report is Made?

I will reach out to meet with the student affected:

- Follow up re: their rights/resources/supportive measures
  - ✓ Lots of No Contact Orders (not disciplinary)
  - ✓ Lot of academic accommodation needed
- Investigation/No action
  - ✓ The student is almost always in the driver's seat



# Protections under the Law

- All parties treated equitably and fairly
- Retaliation is prohibited against ANY participants in process
- Supportive Measures will be offered
- Prompt investigations
- Notice of outcome to the parties
- Right to appeal
- \*\*Title IX Coordinator is not an advocate\*\*

# If You Make A Disclosure

You have the right to:

- 1) Request the University investigate;  
and/or
- 2) Make a police report;
- 3) Not take any action;
- 4) Be free from retaliation;
- 5) Receive resources/supportive  
measures.

**If Something Happened  
Before You Became a  
Student at Brockport**

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We want to support  
you, even if something  
happened before you  
became a SUNY  
Brockport student

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We want you to  
succeed



# Note: We Can't Share Information About Someone Else's Case With You

Information is  
protected by federal  
law (FERPA)

Only share on a “need  
to know” basis

We do our best to  
ensure a fair &  
equitable process

You may hear someone  
talk about their  
situation, but we can't  
comment about  
anyone's case

We can only talk about  
the process, if you  
have questions or  
concerns

# Your Takeaways

- Understand the definitions of Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct
- Know who you can make a report to
- Understand the general nature of how the University responds
- Know who is confidential

# Helpful Websites

<https://www.suny.edu/violence-response/>

[https://brockport.edu/about/title\\_ix/](https://brockport.edu/about/title_ix/)

<https://brockport.concerncenter.com/>

# Title IX Coordinators

- Denine Carr, J.D., Title IX and College Compliance Officer
  - 585-395-5066; [dcarr@brockport.edu](mailto:dcarr@brockport.edu), 6<sup>th</sup> Floor, Allen Administration Bldg.

## Deputy Coordinators

- Karen Logsdon, Assistant to the Vice President, EMSA
  - Deputy Coordinator for students
  - 585-395-5042; [klogsdon@brockport.edu](mailto:klogsdon@brockport.edu), 622 Allen Administration Building
- Tamara Gouger, Assistant Vice President, Human Resources
  - 585-395-2442, [tgouger@Brockport.edu](mailto:tgouger@Brockport.edu); 4<sup>th</sup> Floor, Allen Administration Building

# What Questions do you have??

