

OPTIONS FOR CONFIDENTIALLY DISCLOSING SEXUAL VIOLENCE

The State University of New York and Downstate Medical Center (Downstate) 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 Downstate, this includes:

- Downstate Student Counseling Service: Dr. Christine Saunders-Fields, counseling@downstate.edu, (718) 270-1408
- Employee Assistance Program, Lorraine Brooks, Director, (718) 270-1489
- Individuals serving in a pastoral role under Downstate's Department of Pastoral Care: Reverend Sharon Codner-Walker, Sharon.Walker@downstate.edu, (718) 270-2594
- Downstate physicians, licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship: Student & Employee Health, 440 Lenox Road, Apt 1-S, (718) 270-1995/2018 (Please note that this does not include physicians, licensed medical professionals or supervised interns who are engaged with the reporting individual in a faculty/student relationship or supervisor/supervisee relationship. Physicians, licensed medical professionals or supervised interns working within the Student & Employee Health Service do not serve in a faculty role.)

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.
- **Crisis Centers**

Safe Horizon Brooklyn – 320 Schermerhorn St, 1st Fl, Brooklyn, NY (718) 330-5400 (toll free 800-621-4673)

CAMBA – 885 Flatbush Avenue, Brooklyn, NY (718) 282-5575 (toll free 800-310-2449)

Safe Horizon NYC– 2 Lafayette Street, 3rd Fl, NY, NY (718) 943-8655 (hotline 212-227-3000)

- **Hospital SAFE/SANE Programs**

These local facilities are staffed by professionals trained to provide compassionate, knowledgeable assistance and support for sexual assault victims.

Kings County Medical Center – 451 Clarkson Avenue, Brooklyn, NY (718) 245-3131

Coney Island Hospital – 2601 Ocean Parkway, Brooklyn, NY (718) 616-4400

Woodhull Medical Center – 760 Broadway, Brooklyn, NY (718) 963-8442

- 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.

PRIVACY VERSUS CONFIDENTIALITY

Even Downstate 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. Downstate 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 DOWNSTATE WILL WEIGH THE REQUEST AND RESPOND:

If you disclose an incident to a Downstate 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. While reporting individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures Title IX Coordinator, Office of Diversity & Inclusion, (718) 270-1738. 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 Downstate's failure to act does not adequately mitigate the risk of harm to you or other members of the Downstate 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, Downstate 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.

If SUNY Downstate determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and SUNY Downstate 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," candlelight vigils, protests, or other public event, the University is not obligated to begin an investigation. Downstate may use the information you provide to inform the need for additional education and prevention efforts.

ANONYMOUS DISCLOSURE:

The New York State Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.

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

INSTITUTIONAL CRIME REPORTING

Reports of certain crimes occurring in certain geographic locations will be included in the SUNY Downstate Clery Act 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. [Title IX Coordinator, Office of Diversity & Inclusion, (718) 270-1738, Office of Student Affairs, (718) 270-2187]

Downstate 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. The 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 parents' prior year federal income tax return. Generally, Downstate will not share information about a report of sexual violence with parents without the permission of the reporting individual.

[Note: for crisis intervention, resources and referrals, you may call the New York State Hotline for Sexual Assault and Domestic Violence, (800) 942-6906, this is not a reporting mechanism]