

## Options for Confidentially Disclosing Sexual Violence

The State University of New York and SUNY College of Optometry 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.

### In this Policy:

- Privileged and Confidential Resources.
- Non-Professional Counselors and Advocates.
- Privacy versus Confidentiality.
- Requesting Confidentiality: How the College will Review the Request and Respond.
- Public Awareness/Advocacy Events.
- Anonymous Disclosure.
- Institutional Crime Reporting.

### 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.

Mental Health Counselors in the Office of Student Affairs and Counseling Services are designated as confidential resources. Contact is (212) 938 5511.

Please visit [response.suny.edu](https://response.suny.edu) for Off-campus options to disclose sexual violence *confidentially*. (Note that these off-campus 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.
  - [Check <http://nyscasa.org/>. Provide specific names if possible, contact information, and information about office, such as whether it provides compensation to victims/survivors of crimes or helps replace property lost or damaged during the crime].
  - [Local SAFE hospitals and programs: <http://nyscasa.org/~nyscasa/?q=responding/crisiscenters/newyorkcounty> ]
  - Safe Horizon: (212) 227 3000 {[SafeHorizon Website 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](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>.
  - NYC Alliance Against Sexual Assault: [Hospitals in NYC with SAFE Centers of Excellence](#)
  - St. Luke's Hospital – Crime Victim Treatment Center (212)-604 8000

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 College of Optometry these resources are not available internally. Victims/survivors may avail themselves to local advocacy services through New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906. The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.

### **Privacy versus Confidentiality:**

Even College of Optometry 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. College officials 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 College of Optometry will Review the Request and Respond:**

If you disclose an incident to a 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 review your request against the College's obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with reasonable and available accommodations towards the pursuit of your academic goals and employment responsibilities regardless of your reporting choices. In certain cases, referrals to external resources may be a viable option. While reporting individuals may request accommodations through several college offices, the following offices can serve as a point of contact to assist with these measures [Office of Student Affairs, Human Resources, and University Police]. 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 the College'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 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 or 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, witnesses and whether the report reveals a pattern of perpetration at a given location or by a particular group.

If the College 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 an incident or situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, or other public event, 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:**

Anonymous reporting is available through the University Police website:

[http://www.sunyopt.edu/offices/university\\_police/report\\_an\\_incident](http://www.sunyopt.edu/offices/university_police/report_an_incident)

Or using the iReport Tab in the college’s safety and information resource App (**SafeInSight**)

#### **Institutional Crime Reporting**

Reports of certain crimes occurring in certain geographic locations will be included in the College Clery Act Annual Security Report in an anonymous manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor.

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 allow 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, College of Optometry will not share information about a report of sexual violence with parents without the permission of the reporting individual.