



**Sex Discrimination, Sex-Based Harassment and Sexual Misconduct
Complaint Intake Form**

If you have experienced any form of sex discrimination, sex-based harassment, or sexual misconduct, the most important things are getting to a safe place, taking care of yourself, and getting help. You can use this form to report an incident. You can also make a report by contacting one of the following:

Title IX Coordinator
Nina Gray, Human Resources Generalist
White Hall 124
(315) 792-3012
nngray@utica.edu

Deputy Title IX Coordinator
Lauryn Moore, Associate Dean of Students &
Campus Engagement
Strebel 206
(315) 223-2598
lamoore@utica.edu

Deputy Title IX Coordinator
Marissa Hall, Executive Director of Student
Living
Strebel 206
(315) 792-3285
mmhall1@utica.edu

Deputy Title IX Coordinator
David Fontaine, Director of Athletics and
Physical Education
Clark Athletic Center
(315) 792-3050
dsfontai@utica.edu

THIS FORM MAY BE COMPLETED BY THE REPORTING PARTY IN A COMPLAINT
OR BY THE TITLE IX COORDINATOR ON THE REPORTING PARTY'S BEHALF

**PLEASE RETURN THIS INTAKE FORM TO:
NINA GRAY, TITLE IX COORDINATOR:
White Hall 124
nngray@utica.edu**

General Information

Date of this report: ____/____/____

Information about the person making the complaint (Reporting Party/Complainant)

Name of Reporting Party: _____

Status: Student Faculty member Staff member Other (please describe) _____

Contact Information (please circle preferred contact method):

Email Address: _____ Phone Number: _____

Address: _____

Third-Party Reporting Information *(please fill out if you are filing a report on behalf of someone else)*

Name of person completing form (if third-party): _____

Title and/or Department: _____

Contact Information (please circle preferred contact method):

Email Address: _____ Phone Number: _____

Address: _____

Information about the person the complaint is made against (Responding Party/Respondent)

Name of Responding Party: _____

Status: Student Faculty member Staff member Other (please describe) _____

Contact Information (please circle preferred contact method):

Email Address: _____ Phone Number: _____

Address: _____

Incident Information

Date of the incident: _____ Approximate Time: _____ AM PM

Location of where incident took place (be specific): _____

Has the incident been reported to the Office of Campus Safety? YES NO

Describe the incident, including dates, places, witnesses, and any documentation:
(use additional pages if necessary, or append a separate report to this document)

Who else has been notified of this incident? (use additional pages if more space required)

Name: _____ **Date Notified:** _____

Title and/or Department: _____

Email Address: _____ Phone Number: _____

Address: _____

Name: _____ **Date Notified:** _____

Title and/or Department: _____

Email Address: _____ Phone Number: _____

Address: _____

What type of incident?

“Prohibited Conduct” is alleged conduct in violation of Title IX of the Education Amendments of 1972, and applies to a broader range of contexts and behaviors inconsistent with the University’s commitment to equal opportunity and, in some cases, the University’s obligations under other applicable laws such as New York Education Law Article 129-B.

Conduct is prohibited even if the conduct occurs off-campus, outside the United States, if the complainant is not participating or seeking to participate in the University’s education program or activity, or otherwise in circumstances over which the University does not have influence or control, including but not limited to during University academic breaks.

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- Pregnancy or Parenting Accommodations:** Title IX provides protections for students, employees, and applicants against discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery from these conditions. Protections include but are not limited to reasonable modifications for students, reasonable break time for lactation for employees, and a lactation space for students and employees. Failure to provide reasonable accommodation or modifications is a violation of our policy.

 - Sex-Based Harassment:** “Sex-based harassment”, is unwelcome conduct, which is either of a sexual nature, or which is directed at an individual because of that individual’s sex, sex stereotypes, gender, sexual orientation, sex characteristics, pregnancy or pregnancy-related conditions or gender identity, that, based on the totality of the circumstances...
 - is subjectively and objectively offensive and is so severe *or* pervasive that it limits or denies a person’s ability to participate in or benefit from the University’s education program or activity or otherwise;
 - has the purpose or effect of unreasonably interfering with an individual’s work, academic, or extracurricular performance, or creating an intimidating, hostile, or offensive work or learning environment, even if the reporting individual is not the intended target of the sex-based harassment

Types of Sex-Based Harassment

- “Hostile environment:” A “hostile environment” is created when unwelcome conduct determined by a reasonable person to be subjectively and objectively offensive and is so severe *or* pervasive that it interferes with an individual’s ability to participate in the University’s programs (i.e., to work and to learn).
- “Quid pro quo” or “this for that” harassment: It is a violation of this policy for any employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University’s education program or activity to explicitly or impliedly condition the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.

Harassing conduct can occur in various forms, including:

- Verbal – Conduct such as unwelcome sexually suggestive, demeaning, or graphic comments; unwelcome verbal sexual advances; using slurs to refer to a person; bullying, yelling or name-calling; refusing to use a person’s preferred pronouns or name; or jokes or comments that demean a person on the basis of gender, sexual orientation, gender identity or gender expression.

Physical – Conduct such as unwanted sexual contact or physical sexual advances (e.g., unwanted touching, pinching, patting, kissing, hugging, grabbing, brushing against another person’s body or poking another person’s body); sexual intimidation through physical threats; or physical threats toward or intimidation of another on the basis of gender, sexual orientation, gender identity or gender expression.

Visual – Conduct such as exposing another person to unwanted pornographic images; creating or displaying pictures, symbols, flags, cartoons, or graffiti that is/are sexually offensive or disparage(s) another person or group based on gender, sexual orientation, gender identity or gender expression.

Communication-based – Conduct such as phone calls, e-mails, text messages, chats, blogs or online communications that offend, demean, or intimidate another on the basis of gender, sexual orientation, gender identity or gender expression. Members of the community are expected to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of, or group within, the University community.

Sex stereotyping – Conduct in which another person’s or group’s conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.

Sexual Assault. Consistent with federal law, the University defines sexual assault as including:

Non-Consensual Sexual Intercourse: Sexual assault of this type includes the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the other person (including where the victim is incapable of affirmative consent due to temporary or permanent mental or physical incapacity).

Non-Consensual Sexual Contact: This form of sexual assault includes any intentional touching, however slight, for purposes of sexual gratification, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person, without the consent of the other person (including where the victim is incapable of giving consent due to temporary or permanent mental or physical incapacity. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing. This may also include forcing or causing another without affirmative consent to touch one’s own private body parts.

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

Dating Violence: Dating violence refers to violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on the statement of the reporting party with consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence can include behavior such as coercion, isolation or other forms of emotional,

verbal or economic abuse if it reflects a threat of sexual or physical abuse as described above. Dating violence does not include acts covered under the definition of domestic violence.

- Domestic Violence:** Domestic violence refers to violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the University is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. To categorize an incident as Domestic Violence, the relationship between the responding party and the reporting party/complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship as described above.

- Stalking:** Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, (i) a "course of conduct" means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (ii) "reasonable person" means a reasonable person under similar circumstances and with similar identities to the reporting party/complainant; and (iii) "substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Examples of behavior that may constitute stalking include repeated, intentional following, observing or lying in wait for another; using "spyware" or other electronic means to gain impermissible access to a person's private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual.

- Sexual Exploitation:** Taking nonconsensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, if the conduct does not otherwise constitute another offense under this policy. Examples of sexual exploitation include:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent or beyond the parameters of consent), including the making or posting of revenge pornography
 - Exposing one's genitals in non-consensual circumstances or nonconsensual disrobing of another person to expose the other person's private body parts
 - Prostituting another person
 - Engaging in sexual activity with another person while knowingly infected with a sexually transmitted disease (STD) or infection (STI), without informing the other person of the STD or STI
 - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections

Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity; or (i) knowingly soliciting a minor for sexual activity.

Other _____

Retaliation: Intimidation, threats, coercion, or discrimination against any person by for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations or this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner (as a reporting party, responding party, witness or otherwise) in an investigation, proceeding, or hearing under this policy, including in an informal resolution process.

If the Reporting Party believes the incident involves discrimination, please check the type(s) of discrimination that apply:

Sex

National or Ethnic Origin

Age

Sexual Orientation

Race

Disability

Gender Identity or Expression

Religion

Medical Condition

Marital Status

Veteran Status

Other _____

**Please note that for types of discrimination other than sex discrimination, another process will likely apply. This will be communicated at a meeting between the reporting party and the Title IX Coordinator.*

Supportive Measures Requested

(to be completed in consultation between the Reporting Party and Title IX Coordinator)

Counseling and Advocacy Support

- Campus Counseling (confidential resources; on-campus and teletherapy)
- Victim Advocate Outreach* (YWCA or other crisis services, list here) _____

**Please note that while victim advocates are usually confidential resources, they may need to make non-identifying statistical reports for the purposes of Clery Act reporting.*

Safety, Medical, and Legal Support

- No Contact Order
- Campus Safety Escort
- Assistance Reporting to Law Enforcement
- Legal Support Information
- Medical Care

Academic, Student Living, and Student Employment Support

- Faculty Notification
- Academic Adjustments
- Residence Hall Relocation
- Work Schedule Adjustment

Other (list here)

Accommodations or Remedies Requested:

If the Reporting Party has specific remedies or accommodations that they would like to request, please identify them:

**Please note that the responding party is not presumed to be responsible without a fair and equitable grievance process.*

The Option for Informal Resolution

Informal resolutions may occur in the place of a formal grievance process only with voluntary, informed, written consent by both parties and approval by the Title IX Coordinator. Examples of informal resolution include mediation or restorative justice. Informal resolutions will only be handled by an individual who is experienced in facilitation. Either party who enters into an informal resolution process may decide to withdraw from the process prior to agreeing to a resolution. Informal resolution cannot be used in cases where a student alleges sexual harassment by an employee of Utica University. There may be instances when, for the safety of others who may be affected by the alleged action, an investigation will still be conducted despite the willingness of the parties to engage in an informal resolution process. Should this type of situation arise, the investigators will communicate the need to investigate to the reporting party and responding party.

Confidentiality

Utica University will make reasonable and appropriate efforts to preserve the Reporting Party's and Responding Party's privacy and protect the confidentiality of information. Should the Reporting Party request confidentiality, the Title IX Coordinator will inform them that the University's ability to respond may therefore be limited, but that where feasible, it will take reasonable steps to prevent prohibited conduct and limit its effects. The Title IX Coordinator will also inform the Reporting Party that it is not always possible to provide confidentiality and that the University's decision to share information with others is subject to other considerations, such as:

- Whether the reporting party wants to participate in a formal process;
- The reporting party's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
- The severity and impact of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a responding party from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- Whether the responding party has a history of violent behavior or is a repeat offender;
- The respective ages and relationship of the parties, including whether the respondent is an employee of the University;
- Whether the reporting party is a minor under the age of 18;
- Whether the responding party has admitted to the Prohibited Conduct;
- Whether there have been other Prohibited Conduct complaints about the responding party;
- Whether the reported incident represents escalation in unlawful conduct on behalf of the responding party from previously noted behavior;
- Whether the responding party has a history of arrests or records from a prior school indicating a history of violence;
- Whether the responding party allegedly threatened further Prohibited Conduct against the victim or others;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
- Whether the Prohibited Conduct was allegedly committed by multiple individuals;
- Whether the Prohibited Conduct was allegedly perpetrated with a weapon or force;
- Whether the information provided suggests that the act is part of a larger pattern at a specific location or by a particular group;
- Whether information can be obtained by means other than from the impacted individual (e.g., by personnel or security cameras, witnesses, or through physical evidence);
- Whether the University could end the alleged Prohibited Conduct and prevent its recurrence without initiating a grievance procedure under this policy and/or
- The overall safety of the campus community (including the reporting party).

Please check the method of complaint resolution requested:

Full Title IX Investigation Process

Informal Resolution Process (must be agreed to by reporting and responding parties)

Utica University is required by law to report certain types of reported sexual misconduct in its annual crime statistics report. Names and other identifying details of the incident are not made public in the annual crime report. Utica University is also required by law under certain circumstances to report any incident which might be classified as a violent crime, hate crime, or sexual assault to law enforcement. While the University strongly encourages and will assist the Reporting Party in filing a report with law enforcement, it is ultimately up to the Reporting party to make this decision.

A signature on this report by either the Reporting Party or the Title IX Coordinator (on behalf of the Reporting Party) indicates that this is an official report that will be subject to processes outlined in Utica University's Sex Discrimination, Sex-Based Harassment and Sexual Misconduct Policy.

Signature

Printed Name

Date ____/____/____

Received by the Title IX Coordinator on ____/____/____