



Options for Confidentiality in Disclosing Sexual Violence

The State University of New York and Erie Community College want you to get the information and the support that you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to the 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 better than keeping it 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.

You have the right to make a report to university police, campus security, 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 for retaliation from reporting an incident; and to receive assistance and resources from your institution.

Privileged and Confidential Resources:

Individuals who are confidential resources will not report crimes to law enforcement or to college officials without your permission, except for extreme circumstances, such as a health or safety emergency. At ECC, this includes,

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| Health Office | City | Room 228 | 851-1199 |
| Health Office | North | Room S152B | 851-1499 |
| Health Office | South | Room 5109 | 851-1699 |

Off-Campus options to disclose sexual violence confidentially include:

- **Crises Services (716)834-3131**
<http://crisisservices.org/content/>

Crises Services will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on their policies can be obtained directly from the agency.

- **Off-campus healthcare providers**

Note: 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.

Note: 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 ECC, this includes the following:

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|-------------------------------|----------------------------|------------------|----------------------|
| Student Support Center | City- 45 Oak Street | Room O102 | (716)851-1188 |
| Student Support Center | North- S Building | Room 212 | (716)851-1488 |
| Student Support Center | South- Building 5 | Room 5200 | (716)851-1688 |

These individuals will report the nature, time, and general location of an incident to ECC’s Title IX Coordinator, but will consult with you to ensure no personally identifying information is shared without your consent. These resources are not considered confidential resources as discussed above.

If the accused is an employee of the institution, victims may report the incident to the institution’s human resource authority. They also have the right for a private or confidential employee assist in reporting to the appropriate human resources authority.

Campus Judicial/Code of Conduct Charges are available through the Dean of Students offices if the accused is an ECC student.

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|-------------------------|-----------------------|-------------------|----------------------|
| Dean of Students | City -Post | Rm. 167 | (716)851-1120 |
| Dean of Students | South- Bldg. 5 | Room: 5212 | (716)851-1620 |
| Dean of Students | North -Bldg. G | Rm. 157 | (716)851-1420 |

Title IX Complaint (e.g. sexual violence, harassment) is available through the Title IX Coordinator/Chief Diversity Officer (716)851-1118. (For all individuals including third party reporters).

Privacy versus Confidentiality:

Even ECC offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information that 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 issues. ECC 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 ECC will weigh the Request and Respond:

If you disclose an incident to an ECC 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, shelter, transportation, employment, and other reasonable accommodations through several college offices, the following office can serve as the primary point of contact (Equity and Diversity Office, City- Post, Rm. 108, (716)851-1118. We may also take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that would 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 ECC's failure to act may result in harm to you or to other members of the college 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 deemed necessary.

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, ECC 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 victim/survivor 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 through a campus event or forum, ECC is not obligated to begin an investigation. ECC may use the information you provide to fuel additional education and prevention efforts.

Institutional Crime Reporting

Reports of certain crimes occurring in certain geographical locations will be included in ECC's Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the victim/survivor.

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 the parents' prior year federal income tax return.

ECC will not share information about a report of sexual violence with parents without the permission of the victim/survivor.