



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

If you have experienced any form of sex discrimination, sexual 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
Kyle Wilson
White Hall 124
(315) 792-3063
klwilson@utica.edu

Deputy Title IX Coordinator
Kristin St. Hilaire
Interim Director of Athletics and Physical Education
Clark Athletic Center
(315) 792-3182
kmsthila@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:
KYLE WILSON, TITLE IX COORDINATOR:
White Hall 124
klwilson@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)

[illegible]

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?

Title IX Violations

☐ **Sexual harassment** “Sexual harassment”, as a Title IX Violation, means conduct on the basis of sex, including gender, sexual orientation, or gender identity or expression, that satisfies one or more of the following:

- An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the recipient’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct (commonly referred to as a “quid pro quo”).
- Unwelcome conduct determined by a reasonable person to be so severe, objectively offensive, or pervasive that it effectively denies a person equal access to the University’s education program or activity (commonly referred to as a sexually or gender-based “hostile environment”).

☐ **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.
- **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, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of their youth or because of their 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.
- **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 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 on the basis of sex 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 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. Stalking that does not occur on the basis of sex may be addressed as a University Standards Violation as described below.

Community Standards Violations

The University prohibits the following behavior under circumstances in which a University interest is implicated (such as an impact on individuals as members of the University community). For the purpose of Community Standards Violations, the below 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.

- ☐ **Sexual harassment.** "Sexual harassment" means unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex or gender, sexual orientation, or gender identity or expression, when such conduct 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 sexual harassment.

Types of Sex-Based Harassment

- "Hostile environment:" A "hostile environment" is created when the offensive behavior interferes with an individual's ability to participate in the University's programs (i.e., to work and to learn) when judged against a reasonable person standard. However, the University encourages individuals experiencing or witnessing offensive behavior to make a report as early as possible so as to have the situation corrected before it reaches the level of a hostile environment. Individuals with a concern need not worry about whether the behavior is sufficiently serious to constitute a hostile

environment. The University reserves the right to remedy sexual harassment pursuant to this policy even if the behavior in question does not rise to the level of legally recognized or actionable harassment.

- “Quid pro quo” or “this for that” harassment: It is a violation of this policy for any person to condition any benefit on submission to sexual activity. No person should believe that any other person -- no matter their position of authority -- has a right to require sexual activity in exchange for any benefit or advantage; they do not.

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.** “Sexual assault” includes any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will, without affirmative consent, or where the victim is incapable of giving affirmative consent, but that does not constitute sexual assault as a Title IX because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the University’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University’s education program or activity). Sexual assault consists of the following specific acts:

- 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, forcibly or without affirmative consent or where the victim is incapable of affirmative consent due to mental or physical incapacity. This type of sexual assault also includes non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

- **Non-Consensual Sexual Contact.** This form of sexual assault includes any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person without affirmative consent. 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.

☐ **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 (a) 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); (b) 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; (c) exposing one's genitals in non-consensual circumstances or nonconsensual disrobing of another person so as to expose the other person's private body parts; (d) prostituting another person; (e) 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; (f) 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; (g) misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections; (h) 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.

☐ **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, but that does not constitute dating violence as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). The existence of such a relationship shall be determined based on the statement or 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 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 in which the act of violence occurs, that does not constitute domestic violence as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). To categorize an incident as Domestic Violence, the relationship between the responding party and the 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 to suffer substantial emotional distress, but that does not constitute stalking as a Title IX Violation as defined above because of the nature of the behavior, the basis on which it occurs, or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). 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 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. Stalking behavior may include but is not limited to 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.

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

- | | | |
|--------------------------------------------------------|----------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Sex | <input type="checkbox"/> National or Ethnic Origin | <input type="checkbox"/> Age |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Race | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Gender Identity or Expression | <input type="checkbox"/> Religion | <input type="checkbox"/> Medical Condition |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Veteran Status | <input type="checkbox"/> 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 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 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 ____/____/____