



Committee on Discipline Subcommittee Meeting

September 20, 2022





Purpose of the Subcommittee



**Office of Student Conduct
and Community Standards**



Sexual Misconduct Policy



**Office of Student Conduct
and Community Standards**



Sexual Misconduct Policy: Nonconsensual sexual penetration



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and Community Standards**



Sexual Misconduct Policy: Nonconsensual sexual contact





Sexual Misconduct Policy: Effective Consent

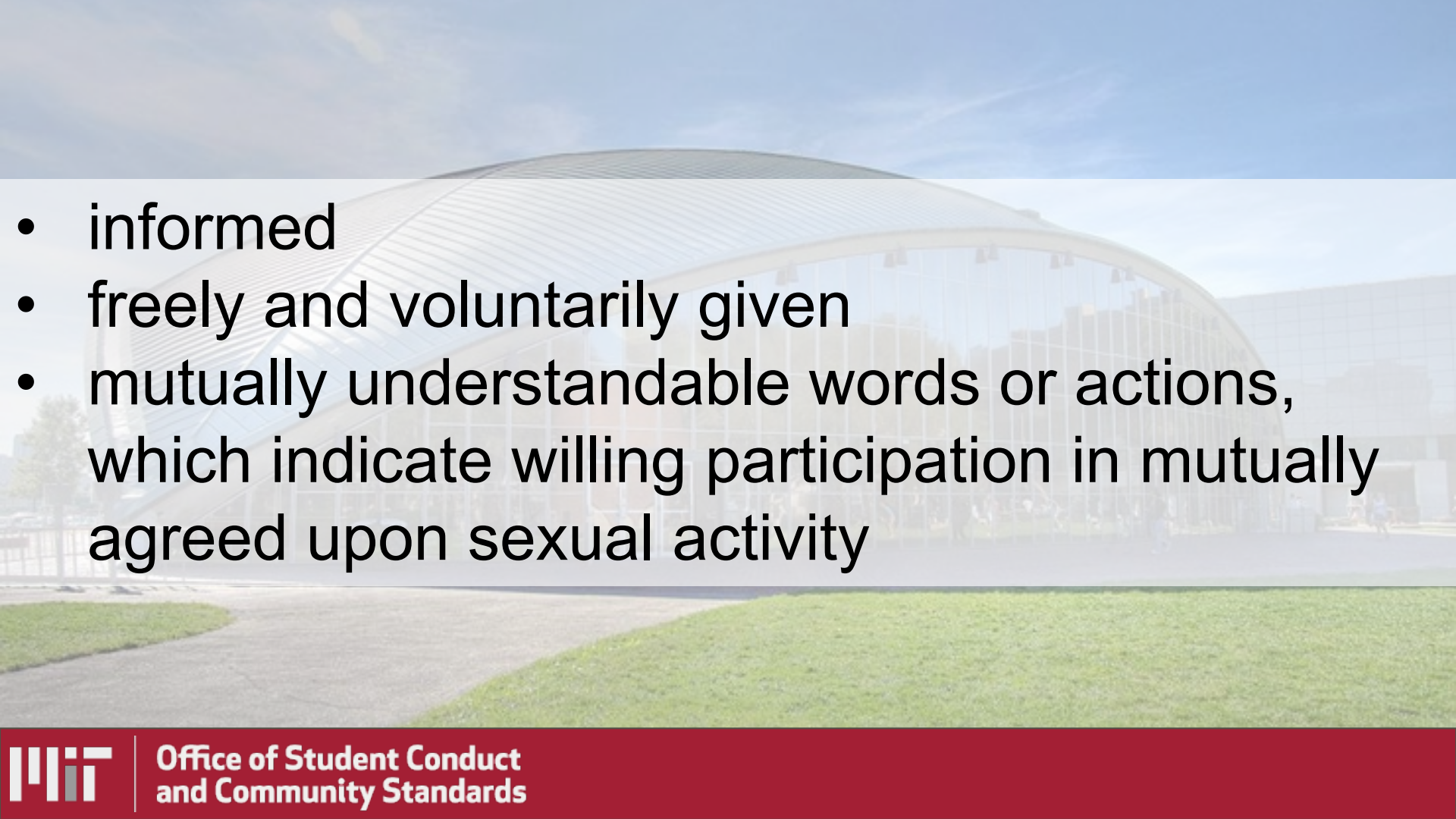


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- Responsibility of initiator
- Consider the entirety of the interaction & circumstances



- 
- informed
 - freely and voluntarily given
 - mutually understandable words or actions, which indicate willing participation in mutually agreed upon sexual activity





UNDERSTANDING EFFECTIVE CONSENT

Cannot be attained by:

- Unreasonable pressure
- Emotional intimidation
- Physical intimidation & threats



UNDERSTANDING EFFECTIVE CONSENT

- Cannot be obtained from:
- Certain disabilities that cause someone to be unable to give consent
 - Under the legal age
 - Asleep, unconscious, physically helpless, incapacitated



UNDERSTANDING EFFECTIVE CONSENT

An individual violates this policy if they initiate & engage in sexual activity with someone who is incapacitated, and

- (1) knew the other person was incapacitated, or
- (2) a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated.



UNDERSTANDING EFFECTIVE CONSENT

Behaviors and
statements that do
not indicate consent





Sexual Misconduct Policy: Incapacitation



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- Asleep
- Unconscious
- Incapacitation by alcohol or other substances





- beyond drunkenness or intoxication, a person is not incapacitated merely because they have been drinking/using drugs.
- whether a person has the physical and/or mental ability to make informed, rational judgments and decisions.





Sexual Misconduct Policy: Sexual exploitation



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Intimate Partner Violence Policy



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Intimate relationship:

- Marriage
- Domestic partnership
- Engagement
- Casual or serious romantic involvement
- Dating





Intimate Partner Violence Policy: Dating violence



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Intimate Partner Violence Policy: Domestic violence



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Examples:

- Hitting
- Kicking
- Punching
- Strangling
- Property damage
- Threat of violence





Stalking Policy



- Course of conduct: two or more acts
- Reasonable person
- Substantial emotional distress





Examples:

- following a person
- appearing at a person's home, class or work
- continuing to contact a person after receiving requests not to
- leaving written messages, objects, or unwanted gifts
- vandalizing a person's property
- photographing a person
- other threatening, intimidating, or intrusive conduct.





Sexual Harassment Policy



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Sexual Harassment Policy: Examples of verbal sexual harassment



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Sexual Harassment Policy: Examples of nonverbal sexual harassment



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Title IX Sexual Harassment Policy



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- An employee conditioning the provision of an aid, benefit, or service of MIT on an individual's participation in unwelcome sexual conduct
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to MIT's education program or activity
- "Sexual assault," "dating violence," "domestic violence," or "stalking," as defined by federal law





- the Complainant was/is participating in or attempting to participate in the education program or activity at MIT
- alleged conduct occurred in an education program or activity controlled by MIT
- alleged conduct occurred against a person in the United States.





Process Overview



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Panel composition for all SM Hearings/Sanction Panels:

- Chair
- at least one Vice President/Vice Chancellor's representative
- third representative can be any member of the subcommittee.
- **for Title IX Hearings:** 1 additional external professional





Overview of SM Hearing

- Complainant opening statement
- Questions
- Witnesses
- Respondent opening statement
- Questions
- Witnesses
- Closing statements





Title IX Hearing Provisions

TITLE





Title IX Hearing Provisions

TITLE





Sanctioning process for SM Hearings





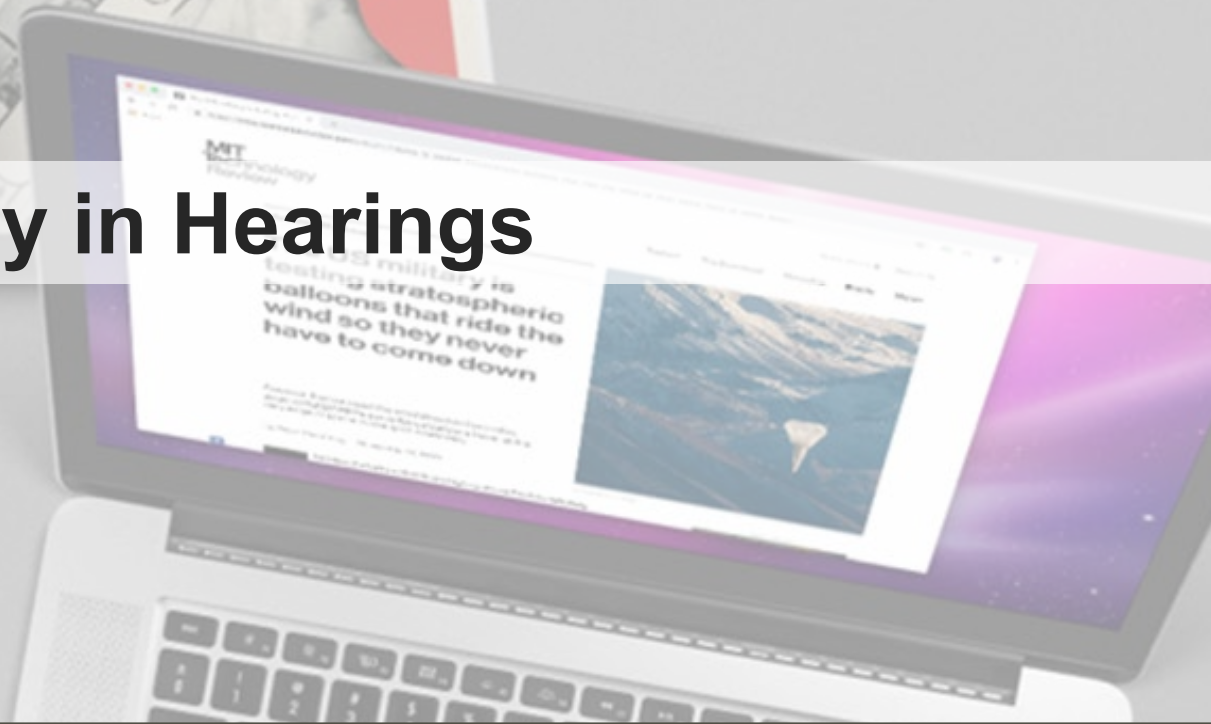
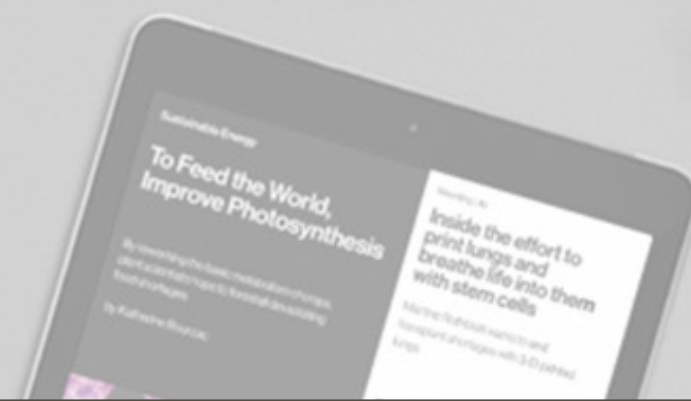
Sanctioning for Title IX Hearing

TITLE





Using Technology in Hearings



Next steps

- October 11
- October 18
- SUNY SCI Online Trainings





Questions?



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