

**OPTIONS FOR CONFIDENTIALLY DISCLOSING SEXUAL VIOLENCE, POLICY ON**

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**Category:** Equity and Campus Diversity  
**Responsible Office:** Equity and Campus Diversity Office

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**POLICY SUMMARY**

The State University of New York and Buffalo State 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**

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

**Privacy versus Confidentiality**

Even Buffalo State campus 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. **Please note, the college will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.**

### **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. At Buffalo State this includes:

- Buffalo State's [Counseling Center](#): (716) 878-4436
- Buffalo State physicians, licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship: [Weigel Health Center](#): (716) 878-6711

Off-campus options to disclose sexual violence *confidentially* include (note that these outside 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.
  - [Crisis Services of Erie County](#): (716) 834-3131
  - [New York State Coalition Against Sexual Assault](#) (NYSCASA): 1(800) 942-6906
  - [Erie County Medical Center](#) (ECMC): (716) 898-3000
  - [Buffalo General Medical Center](#) Emergency Room: (716) 748-2103.
- 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: <https://ovs.ny.gov/sites/default/files/brochure/ovsrightsofcvbooklet.pdf> or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/help-crime-victims>.

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 Buffalo State, this includes faculty, and other professional staff members of the campus community. These individuals will report the nature, date, time, and general location of an incident to the college's Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

### **Responsibility**

#### **Requesting Confidentiality: How Buffalo State Will Weigh 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 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, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures: [Dean of Students Office](#), Campbell Student Union 311 Buffalo, NY 14222; phone: (716) 878-4618.

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 campus 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 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,
- 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, 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.

### **Procedure: Anonymous Disclosure**

You may submit an anonymous report and obtain information about available resources at:

<https://buffalostate.wufoo.com/forms/university-police-sexual-assault-anonymous-report/>.

You also may contact the New York State Hotline for Sexual Assault and Domestic Violence at 1-800-942-6906.

Please note the hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.

### **Institutional Crime Reporting**

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

To make a report, you may contact any of the following:

- [University Police Department](#) at (716) 878-6333;
- [Title IX Coordinator](#) at (716) 878-6210;
- [Office of Judicial Affairs](#) at (716) 878-4618 (when a Buffalo State student is the accused); and
- [Office of Human Resource Management](#): (716) 878- 3042 (when a Buffalo State employee is the accused).

The 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 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 parents' prior year federal income tax return. Generally, [College/University] will not share information about a report of sexual violence with parents without the permission of the reporting individual.

### **Public Awareness/Advocacy Events**

If you disclose a 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.

### **RELATED INFORMATION**

#### **Documents and Forms:**

[Title IX of the Education Amendments of 1972](#)

### **CONTACT INFORMATION**

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State University of New York Office of General Counsel