



STUDENT CONDUCT INSTITUTE: INCIDENT STAGES & CONDUCT PROGRESSION



① INCIDENT REPORTED

② STUDENT CONDUCT OR TITLE IX GRIEVANCE PROCESS INITIATED

③ PRE-HEARING PREPARATIONS/ INVESTIGATION

④ HEARING

⑤ APPEAL PROCESS

⑥ DECISION IMPLEMENTATION

CRIMINAL LAW VS. STUDENT CONDUCT

DECISION TREE/ABOUT SCI

ASSESS THE SITUATION

- ↓ Medical Response
(SANE services, EMT, etc)
- ↓ Emotional Response *(Counseling services, victim advocate)*

INFORMATION GATHERING

- Intake form
- Options/Decisions
- Assess policy violations
 - Assess which policies apply
(Student Code, TIX, HR, Acceptable Use)

- ↓ Assess involvement
(UPD, TIX, Housing, HR, Athletics, AAO/CDO/City Police)

- ↓ Assess Risk to Community

SUPPORTIVE MEASURES ASSESSED

- ↓ May include counseling, course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact, changes in work or housing

- ↓ locations, leaves of absence, increased security and monitoring

SECURE INFORMATION

- ↓ Consider available evidence to preserve

DID YOU KNOW SNAPCHAT STORIES DISAPPEAR? CAPTURE IMAGES ON A SECONDARY DEVICE. LEARN MORE ABOUT APPS IN OUR ONLINE MODULES.

- ↓ • Students have the right to make a report to law enforcement or chose not to, to report to their institution, to be protected by the institution from retaliation and to be treated with dignity, respect, and sensitivity

TIX EMERGENCY REMOVALS

For Title IX Conduct, conduct individualized safety and risk analysis

Must be immediate threat to physical health or safety of a person arising from allegations of sexual harassment

Apply disability laws to decision if applicable

Determine if less restrictive means available

Upon removal, provide notice and immediate opportunity for review

INCIDENT REPORT(S) GENERATED

- ↓ • Required at all levels

TIMELY WARNING ISSUED

- ↓ • 20 USC §1092(f)(3)

PROVIDE STUDENTS WITH ACCESS TO INFORMATION ON CONFIDENTIAL RESOURCES. TO LEARN MORE, CHECK OUT OUR MODULES ON PRIVACY AND CONFIDENTIALITY.

KEY PLAYERS:

- TIXC
- Conduct Staff
- UPD
- Hall Staff
- Hearing Board
- Appeals Board
- Registrar
- Investigator

1 INCIDENT REPORTED

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INITIATING TIX GRIEVANCE PROCESS

RI initiates Formal Complaint:

- RI must be participating in program (or attempting to)
- RI must file in writing/electronic submission with signature

TIXC Assessment: Does campus need to proceed with TIX action without RI's signature?

NOTICE OF ALLEGATIONS

- Provide to Respondent, RI
- Provide notice of process, allegations, known details
- Respondent is presumed not responsible
- Parties have right to advisor of choice, to inspect and

CONDUCT CHECKLIST

- Interim restrictions sent with notification to RI (examples: restriction of contact or from entering particular residential area)
- Schedule meetings with both/all parties
- Non-Title IX cases, determine if interim suspension is necessary (individual analysis of health/safety risk to campus, students or staff, or mitigating factors in incident)
 - * If so, should be done in meeting with respondent
 - * Appeal process must exist for this measure
- Apply Student Conduct hold

INCIDENT REPORTS GATHERED & PROCESSED
(campus process (or reporting))

CONTINUE TO DOCUMENT USING CASE RATIONALE MAP

PRACTICE TIPS & RESOURCES

Meetings with both parties are important places to be mindful of TIX and the VAWA Amendments to the Clery Act

WHEN DEVELOPING NOTICE OF ALLEGATIONS BE REMINDED OF ANY AMNESTY POLICY FOR THE PARTIES, AND THE WITNESSES.

review evidence

- Inform parties of any Code provisions relating to knowingly making false statements/submitting false information

TIX GRIEVANCE PROCESS DETERMINATION:

- Alleged conduct in U.S.
- Alleged conduct in campus or education program or activity
- Alleged conduct meets Title IX sexual harassment definition

If any boxes are not checked, remove to standard Student Conduct Process
Reference SCI Decision Tree and use Case Rationale Map to document

RESOLUTION OPTIONS FOR RESPONDENT (communication with RI)

MEETING WITH RESPONDENT

Review Due Process rights, advisor of choice, timeline for process, answer questions, serve as a resource, discuss evidence and witnesses

MEETING WITH REPORTING INDIVIDUAL

Review, advisor of choice, timeline for process, answer questions, serve as a resource, discuss evidence and witnesses
* multiple meetings may be required-ensuring availability to both parties

Correspondence with both parties should match in tone, for example: greetings and closings should be the same (Dear, or Sincerely,).

INFORMAL RESOLUTION PROCESS

If included under your policy, may be offered any time prior to reaching a determination. TIX Conduct:

Provide parties written notice disclosing allegations, requirements of informal resolution process, and consequences resulting from participation

Obtain parties' informed written consent

Any party has right to withdraw and resume grievance process

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MEETING WITH BOTH PARTIES REGARDING HEARING PROCESS
(as needed)

↓ Use same for both (live and live, phone and phone)

COORDINATION OF SCHEDULES

↓ Accommodation requests when reasonable
↓ Advisors, witnesses, etc.

GOOD PRACTICE:
WHEN SCHEDULING HEARINGS, GOOD PRACTICE ALLOWS FOR DEADLINES AND TIME REQUIREMENTS IN A CODE TO BE CONSIDERED FOR EXTENSION FOR GOOD CAUSE AS DETERMINED BY DESIGNATED STAFF. BE SURE THAT ALL PARTIES ARE NOTIFIED IN WRITING OF THE DELAY, THE REASON FOR DELAY, AND PROVIDED THE

DATE OF THE NEW DEADLINE OR EVENT. ANY CONTINUANCE REQUESTED BY EITHER PARTY WOULD NOT BE LONGER THAN A PRE-DETERMINED LENGTH OF BUSINESS/SCHOOL DAYS (eg. 5 days) WHICH SHOULD BE EXPLICIT WITHIN YOUR CODE.

WITNESS APPEARANCE INFORMATION

↓ Expectations

EVIDENCE

Redacted and shared
See SCI Tech Guide
Deadline for submission should be included in your policy
Witness lists shared
Equal access for RI and respondent

TITLE IX INVESTIGATIVE REPORT AND EVIDENCE REVIEW

See Investigative Report Template
Provide parties equal opportunity to inspect and review any evidence obtained as part of the investigation directly related to allegations raised
Parties have at least 10 days to submit a written response to disclosed evidence
Distribute Investigative Report at least 10 days prior to hearing.

Provide Report to parties and advisors for review and written response.

PRE-HEARING REVIEW OF CASE BY HEARING BODY

Follow campus policy
Consider conflicts of interest - ensure hearing officers have no conflict of interest or commitment

PROVIDE INFORMATION FOR ADVISORS IN ADVISEMENT ROLE

↓ Title IX Decorum Policy

NOTICE OF HEARING DATE, TIME AND LOCATION TO ALL PARTIES

↓ Remind parties of types of evidence and questions that must be excluded, including: sexual history of RI, medical records, privileged information

HEARING LOGISTICS

(physical set up, skype, teleconference, etc.)

Physical set-up considerations:

- Chairs (*intentional placement*)
- Room Dividers (non-TIX hearing)
- Recording equipment
- Tech considerations for all to see and hear each other
- Phones for witnesses
- Supplies (*water, tissues, etc.*)

See SCI Tech Guide

PROVIDE NOTICE OF HEARING, INVESTIGATIVE INTERVIEWS OR OTHER MEETINGS WITH SUFFICIENT TIME FOR PREPARATION

PARTIES HAVE SAME OPPORTUNITY TO HAVE OTHERS PRESENT DURING ANY PROCEEDING, INCLUDING AN ADVISOR OF CHOICE

PARTIES HAVE SAME OPPORTUNITY TO PRESENT WITNESSES AND EVIDENCE

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HEARING BEGINS

TIX: Evidence must be available to give parties equal opportunity to refer to it

Both parties have same opportunities throughout the hearing: *opening and closing statements, to ask questions of one another (via advisor in TIX hearing), to bring witnesses, to question witnesses, to have an advisor of choice, to submit evidence, to review submitted evidence, etc.*

For more: see Model TIX Hearing Script

RECORDING MADE

↓ TIX: Must be made available for parties' inspection and review and kept for 7 years.

TIX CROSS EXAMINATIONS

Refer to your Decorum Policy

Each party's advisor must be allowed to ask other party and all witnesses all relevant questions directly, orally, and in real time

If a party does not have an advisor, provide an advisor to conduct cross

Each question subject to determination of relevancy before answer provided

"This question is relevant because..."
 " This question is not relevant because..."

WITNESSES APPEAR

- ↓ Consider starting with outcry witnesses
- Consider direct knowledge vs. second hand knowledge
- Character witnesses vs. witness with direct knowledge
- Consider relationship of the witness to either party

EVIDENCE REVIEWED

- ↓ Thoughtfully weigh testimony and evidence
- ↓ Digital evidence considerations

DECISION MAKING PROCESS

- ↓ Full rationale for each determination

OUTCOME DETERMINATION BEGINS TO BE FORMULATED

- ↓ Provide to both parties simultaneously
- Must include:
 - Identification of allegations
 - Description of procedural steps taken
 - Findings of fact
 - Conclusions regarding application of policy to the facts
 - Rationale for result as to each allegation, including determination, any sanctions, any remedies to RI
- ↓ Procedures for appeal

PRACTICAL TIPS & RESOURCES

REMEMBER: THE BURDEN IS ON THE COLLEGE TO ESTABLISH RESPONSIBILITY. THE BURDEN IS NOT ON EITHER THE REPORTING INDIVIDUAL OR THE RESPONDENT.

You've worked hard on your policies and trained your staff. But in the heat of a hearing, some of that training may be forgotten. Even though you can place limits on how they can participate under your policies, attorneys often find ways of getting under hearing officers' skin or intimidating the panel by treating the proceeding as a criminal law case. It isn't. Below are some brief tips to help maintain control and have successful hearings.

- Refer to and enforce your Decorum Policy
- Follow your policy: Your policy addresses most situations. If an objection arises and the answer isn't in the Code, make a reasonable and fair determination and be transparent with all parties about your choice. Keep notes of your decision.
- Lawyers can be present but don't run the show. Don't let an attorney for a student intimidate you or other hearing officers or treat this like a criminal case. You are trying

to make the right decision, not a narrow legal determination based on circumscribed evidence. If an attorney is getting out of hand, remind them of their limited role. If they continue, you may enforce your Decorum Policy by removing them.

- The Student conduct and Title IX grievance processes are educational processes, not bound by the Federal Rules of Evidence and Civil Procedure. Always keep that in mind and remember you are not being asked whether to incarcerate someone: you are being asked whether that person has violated college policy, and if so, what the appropriate sanction should be.
- Seek guidance from the Student Conduct Director (or similar role) and don't be afraid to ask questions. For particularly thorny questions, reach out to the attorney for the college. It is always better to ask in advance rather than addressing the issues in a lawsuit.

- Be consistent. When addressing an objection, be consistent with past rulings. When assessing a penalty, be consistent with past penalties for the same violation, even if this person seems much crueler or nicer than the last person to come before the board.
- Use your instincts when reviewing evidence. Most witnesses spin stories one way or another (even when they think they are doing the right thing) and physical evidence is not always as it seems.

SANCTIONING AFTER DETERMINATION REGARDING RESPONSIBILITY IS MADE

- Impact statement read (if applicable)
- Prior conduct record reviewed
- Sanctions determined
- Provide full rationale for each sanction

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APPEAL PROCESS

CONFIRM CRITERIA/GROUNDS FOR APPEAL

TIX: GROUNDS MUST INCLUDE

- ↓ Procedural Irregularity
- ↓ New evidence
- ↓ Conflict of Interest or Bias

GROUNDS MAY ALSO INCLUDE:

- ↓ Disproportionate sanction
- ↓ Unsupported conclusion

BOTH PARTIES HAVE OPPORTUNITY FOR APPEAL

- ↓ Notify other party if or when appeal is filed.

LOGISTICS FOR APPEAL REVIEW (RECORDING ACCESS, COPIES)

HEARING OUTCOME REVIEWED

APPEAL REVIEWED

FINAL DECISION-MAKING PROCESS INITIATED (NOT A RE-HEARING)

- ↓ Remember this is not a re-hearing of the original case

FINAL OUTCOME LETTER TO ALL PARTIES

- ↓ Notification must be issued simultaneously to all parties
- ↓ Describe result of appeal and rationale for the result

REMEMBER, EACH PARTY SHOULD HAVE THE SAME TIME TO APPEAL. IF ONE PARTY APPEALS, THAT DOES NOT EXTEND THE TIME FOR THE OTHER PARTY

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DECISION IMPLEMENTATION

NOTIFICATION TO FINANCIAL AID/VPSA/REGISTRAR/TIXC/RESLIFE/UPD

APPROPRIATE TRANSCRIPT NOTATION IF APPLICABLE

APPLY PNG (IF APPLICABLE)

FOLLOW-UP SERVICES FOR EITHER PARTY

CHANGES TO SUPPORTIVE MEASURES (IF APPLICABLE)

TIXC (IF TIX CASE)

- ↓ Ensure effective implementation of any remedies for RI
- ↓ Complete Case Rationale Map for recordkeeping

NOTIFY CAMPUS REPORTING AUTHORITY FOR CLERY

For more guidance, please review our modules on services to assist respondents in reintegration post-determination of responsibility and sanction. At this point you've put in a lot of work to ensure an equitable process between the parties. As you move through cases, try to build in time to reflect.

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CRIMINAL JUSTICE SYSTEM

COLLEGE / UNIVERSITY DISCIPLINARY SYSTEM

GOALS	Public safety, deterrence, and punishment.	Education; safety; safe and supportive campus environment.
GOVERNING LAW	State Penal Code; Rules of Criminal Procedure, Federal Criminal Law, and Rules of Evidence.	Title IX, the Clery Act as amendment by the Violence Against Women Act, state law where applicable.
HOW TO REPORT AND WHETHER THERE MUST BE ACTION ONCE A REPORT IS MADE.	Crimes involving sexual violence may be reported to campus police (if the campus has police officers), the local police agency, or to the state Police. Certain crimes may also be reported to federal law enforcement agents. Once a report is made, the decision whether to investigate is made by the police/law enforcement agency, often in consultation with a District Attorney or other prosecuting agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision of whether to initiate a criminal prosecution is initially made by a prosecutor.	Victims may disclose sexual violence to various college employees who are designed confidential resources or to others who will try to ensure privacy to the extent consistent with the institution's obligation to provide a safe educational environment. Disclosures made to a confidential resource will not trigger an investigation. When a report is made to the Title IX Coordinator (TIXC) or another official with authority to take action, the TIXC will determine whether an investigation is necessary by weighing any request for confidentiality by the reporting individual against the continuing safety of that person and the safety and best interests of the campus community.
WHO INVESTIGATES?	Police or other law enforcement officials.	Investigators employed or retained by the college or university; these individuals may work for different departments within the institution, including, but not limited to, the police/public safety department, student affairs and academic affairs.
PROCEDURES	See Governing Law. Procedures established by police departments, prosecutors' offices, etc.	College/University policies and Bylaws, which generally incorporate requirements of Governing Law. Collective bargaining agreements may impact some procedures.
STANDARD OF EVIDENCE.	Crimes must be proven "Beyond a Reasonable Doubt"	A violation of disciplinary rules generally must be found by a "Preponderance of the Evidence" (<i>more likely than not</i>)
CONFIDENTIALITY	Law enforcement agencies offer some confidential assistance, but a criminal charge and trial must be public.	Colleges and universities offer confidential resources, but a disciplinary proceeding requires that relevant information be shared with those involved.
PRIVACY	Criminal trials must be public.	Disciplinary proceedings are kept as private as possible, but information must be shared with certain individuals within the college, the parties, and pursuant to law.
WHO ARE THE PARTIES?	The prosecution and defendant. The victim/survivor is not a party, but often the critical witness for the prosecution.	In Title IX cases, the parties are the complainant and the respondent.
PARTICIPATION IN THE PROCESS	In limited circumstances, a criminal prosecution can proceed without the participation or cooperation of the reporting individual, but without a reporting individual's participation, it is generally more difficult to prove a crime beyond a reasonable doubt.	Reporting students cannot be required to participate in the college process. However, a college will be limited in its ability to respond if a reporting individual does not participate.
WHO INITIATES THE PROCEEDINGS?	A prosecutor, acting on behalf of the state (or the United States in federal cases).	The college or university initiates proceedings. While rules vary from school to school, all must provide an active role for the reporting student.
TESTIMONY	In a court, testimony is generally public. Other parties are, through counsel, entitled to cross-examine witnesses.	The rules are established by individual colleges and universities. For cases covered by Title IX, testimony must be given with all participants in the hearing to see and hear each other, and parties are, through advisors, entitled to cross-examine witnesses and each other.
ROLE OF ATTORNEYS	Both the state and the defendant are represented by counsel; counsel may question witnesses.	Varies by school. Schools must permit the parties to be advised by attorneys, and for Title IX covered conduct, advisors conduct cross-examination. Otherwise, schools may limit the attorneys' roles to quietly speaking with their clients or passing notes.
SEXUAL HISTORY	Most states and the Federal Rules of Criminal Procedure have rape shield provisions excluding this evidence.	Title IX does not allow questions about an RI's sexual history, with limited exceptions.
POSSIBLE RESULTS	If a prosecution takes place, the defendant may: <ul style="list-style-type: none"> • plead guilty or "no contest" • have the case dismissed by the judge (on legal grounds) 	Some schools permit mediation, adaptive resolution processes, or similar procedures if parties agree. If there is a formal proceeding, the respondent may be found "responsible" or "not responsible" for violations

WHO ARE THE PARTIES?

The prosecution and defendant. The victim/survivor is not a party, but often the critical witness for the prosecution.

In Title IX cases, the parties are the complainant and the respondent.

PARTICIPATION IN THE PROCESS

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ROLE OF ATTORNEYS

Both the state and the defendant are represented by counsel; counsel may question witnesses.

Varies by school. Schools must permit the parties to be advised by attorneys, and for Title IX covered conduct, advisors conduct cross-examination. Otherwise, schools may limit the attorneys' roles to quietly speaking with their clients or passing notes.

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POSSIBLE RESULTS

If a prosecution takes place, the defendant may:

- plead guilty or "no contest"
- have the case dismissed by the judge (on legal grounds)
- be found "guilty" or "not guilty" by a judge or jury

Some schools permit mediation, adaptive resolution processes, or similar procedures if parties agree.

If there is a formal proceeding, the respondent may be found "responsible" or "not responsible" for violations of the institution's rules. Respondents may also accept responsibility before a finding by an adjudicator.

SANCTIONS

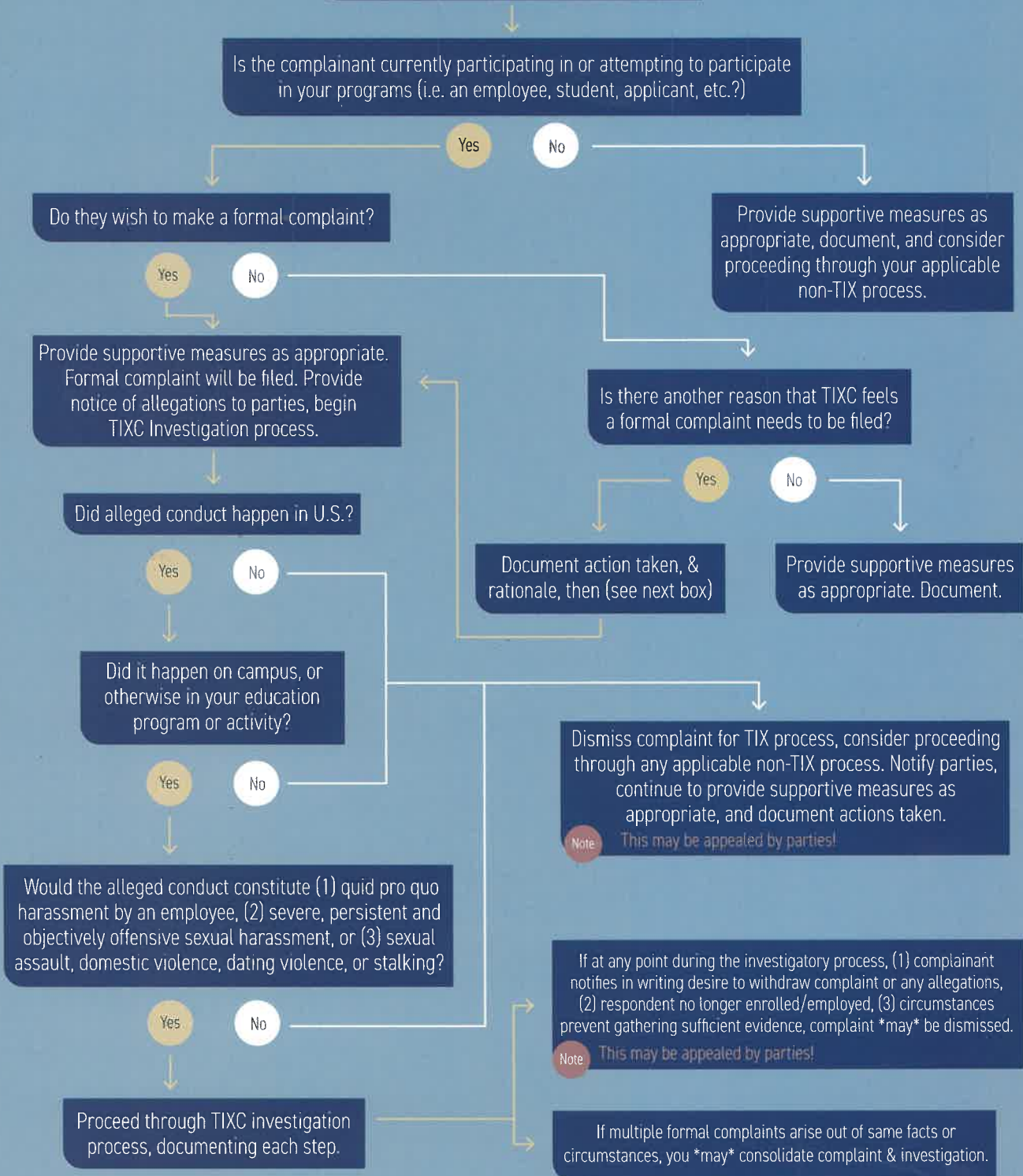
An individual found guilty may be fined, imprisoned, or both. In some courts, alternative sanctions are sometimes used.

An individual found responsible for violating college policy may be given a range of sanctions (depending on the severity of the conduct and other factors, such as prior judicial history), ranging from a warning to suspension or expulsion from the institution.

CRIMINAL LAW VS. STUDENT CONDUCT

DECISION TREE/ABOUT SCI

Report made to Title IX Coordinator



*This Decision Tree is intended to capture the most foreseeable routes that a matter may take, but it cannot cover every circumstance that may arise. Please consult with your campus counsel for specific circumstances and questions

The SUNY Student Conduct Institute trains staff at public and private institutions of higher education on how to fairly and equitably investigate and adjudicate conduct violations and disclosures.

Federal law requires training of certain officials who have a role in the review, receipt, investigation, adjudication, and appeal of certain reports of sexual, interpersonal, and related violence. To help our member institutions meet these training obligations, as well as additional requirements under state law, SCL provides live trainings and online modules that cover the following topics:

- | | | |
|--------------------------------|--|--|
| Evidence | Types of Sexual & Interpersonal Violence | Title IX: Jurisdiction |
| Laws, Policies, and Procedures | Working with Accused Persons | Title IX: Investigation & Grievance Procedures |
| Consent | Working with Reporting Individuals | Title IX: Bias |
| Cultural Awareness | Working with Witnesses & Bystanders | Title IX: Technology |
| Due Process- Fair Process | Trauma-Informed Practice | Title IX: Sexual Harassment |
| Confidentiality | Standard of Review | Title IX: Relevant Evidence |
| Accountability | Remedial Actions | Title IX: Investigative Reports |

Report made to Title IX Coordinator

Is the complainant currently participating in or attempting to participate in your programs (i.e. an employee, student, applicant, etc.?)

Yes No

Do they wish to make a formal complaint?

Yes No

Provide supportive measures as appropriate, document, and consider proceeding through your applicable non-TIX process.

Provide supportive measures as appropriate. Formal complaint will be filed. Provide notice of allegations to parties, begin TIXC Investigation process.

Is there another reason that TIXC feels a formal complaint needs to be filed?

Yes No

Did alleged conduct happen in U.S.?

Yes No

Document action taken, & rationale, then (see next box)

Provide supportive measures as appropriate. Document.

Did it happen on campus, or otherwise in your education program or activity?

Yes No

Dismiss complaint for TIX process, consider proceeding through any applicable non-TIX process. Notify parties, continue to provide supportive measures as appropriate, and document actions taken.
Note This may be appealed by parties!

Would the alleged conduct constitute (1) quid pro quo harassment by an employee, (2) severe, persistent and objectively offensive sexual harassment, or (3) sexual assault, domestic violence, dating violence, or stalking?

Yes No

If at any point during the investigatory process, (1) complainant notifies in writing desire to withdraw complaint or any allegations, (2) respondent no longer enrolled/employed, (3) circumstances prevent gathering sufficient evidence, complaint *may* be dismissed.
Note This may be appealed by parties!

Proceed through TIXC investigation process, documenting each step.

If multiple formal complaints arise out of same facts or circumstances, you *may* consolidate complaint & investigation.

*This Decision Tree is intended to capture the most foreseeable routes that a matter may take, but it cannot cover every



**The State University of New York
Student Conduct Institute
Residential Life Incident Report**

SAMPLE CASE DOCUMENT #1

Incident Report # 20563RA
Completed By: Maja Innerskar
Date of Submission: 03/15/2020
Time of Submission: 11:00 am EST

Description of Incident

On Sunday, March 15th, 2020, I was in my room in Smith Hall when I heard a knock at my door around 10am. When I opened the door, I noticed Resident Ebba Kallax at my door. I greeted her and asked how she was, to which she responded that she was ok but she was concerned about her roommate, Resident Astrid Havsten, and wanted to know if I could help. When I asked if her roommate Astrid was okay, Ebba replied that she was worried because her roommate seemed upset and hadn't been sleeping, which is unlike her. She said that this morning she saw Astrid crying, but when Ebba asked Astrid if she was ok, she said she didn't want to talk about anything, and wouldn't go to breakfast. Ebba said she wasn't sure what to do, and that was why she came to see me. I agreed that I would go speak to Astrid and we went down the hall to their room.

Upon entering Ebba and Astrid's room, I could see that Astrid was sitting on her bed and that her eyes looked red and bloodshot. I noticed that Astrid was wearing sweatpants and an oversized sweatshirt with a USA soccer logo on it. Astrid had a box of tissue on the bed next to her. I asked if she was okay, and Astrid replied that she wasn't sure. I asked if she did anything for spring break the week before, and Astrid nodded. She then asked me "If something happened over spring break would I get into trouble?" I asked her what she was concerned she would get in trouble for, and she began to tell me about the party that Astrid had gone to in the hotel they were staying at while she was on a short term study abroad trip in Italy. Astrid identified that she had been drinking the night of the party, and that there had been green jell-o shots and jungle juice given out at the party. She stated that she had consumed around two jell-o shots and 2 full red solo cups of Jungle Juice. She did not know what type of alcohol was in the drinks, but stated that it seemed like everyone was drinking it.

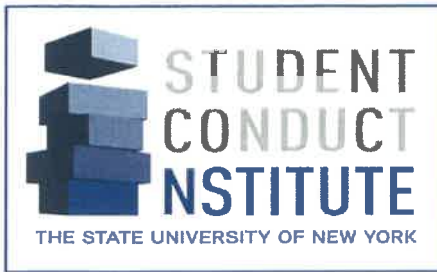
She said that she had met someone at the party named Lis Svano, who was also a student at our college on the study abroad trip. She said that Lis invited her back to their room up on the fourth floor of the hotel, and she agreed to go. Around 1am, they had "hooked up." Astrid said that she had wanted to have sex with Lis at that time, and consented to having sex at that time. After having sex, they both fell asleep. When Astrid woke up around 2am, she felt them moving

SAMPLE CASE DOCUMENT #1

against her, and could feel that they were rubbing against her hip. Astrid said that they had taken her hand and placed it in their pants before she pulled away from them. Astrid stated that she felt a little more sober and didn't want to have sex anymore. She said that they told her they'd "make it good for her" and to "relax." Astrid asked him if they had another condom, and they said no but that it would be fine. Astrid was not comfortable with that and she remembered saying that she needed to leave. She said she tried to get up, but she had trouble moving around them. Astrid recalled that they put their hand up her shirt and then moved their hand down to her vagina. When she was able to get off of the bed, she could not find the dress she was previously wearing. She put on clothes that she found on the floor of the bedroom, a pair of sweatpants and a sweatshirt. As she moved towards the door, they gave her a hug, and then she went to go back to her room on the second floor.

Astrid recalled feeling disoriented when she left his room, and had taken a wrong turn toward the back stairwell. She bumped into Elan Baacklen who was on his way to go work out in the hotel fitness room and she was worried he might say something about seeing her doing a "walk of shame." She figured out how to get back to the second floor left side of the hotel where her room was. She said she returned to her room and tried to go to bed but couldn't fall asleep. Astrid just said that she was upset about everything.

I explained that given what she had told me, I would need to call the Hall Director on call. I told her that we could be private about the situation, but that I had to report what she had told me. Astrid said that was okay, and that she would be okay with talking to the Hall Director about what had happened. I told her I would step out and call the Hall Director and let her know what her options are. I contacted the RHD on call and waited for her in the hallway at around 10:45am. End of Report.



**The State University of New York
Student Conduct Institute
Residential Life Incident Report**

SAMPLE CASE DOCUMENT #2

Incident Report # 20563RHD

Completed By: Bo Sriniski

Date of Submission: 03/15/2020

Time of Submission: 11:30 am EST

Background Information

Incident Date: 03/09/2020

Incident Time: ~2:00am

Involved Parties

- Maja Innerskar - RA of 2nd Floor, Smith Hall
- Astrid Havsten - Reporting Individual
- Ebba Kallax - Witness for the RI
- Lis Svano - Accused

Description of Incident

On March 15th, 2020, I received a call from RA Innerskar asking if I could come to Smith Hall to assist with a report of sexual assault. I arrived at Smith Hall where Innerskar was waiting for me in the Reslife office. Innerskar disclosed that she received a knock on her door earlier that morning by Resident Ebba Kallax asking if she could come speak to her roommate. Innerskar said that she had spoken to the student, Resident Astrid Havsten about a sexual interaction and that she was in her room ready to speak with me. I knocked on the door and introduced myself to Astrid, and asked permission to sit down. Astrid agreed. I asked if Astrid would be comfortable speaking with me about what happened, and she said yes. Astrid explained that she had been studying abroad over spring break in Italy. Astrid went on to explain that at a party in a hotel room, she ended up hooking up with Lis Svano, but she felt uncomfortable with what had happened.

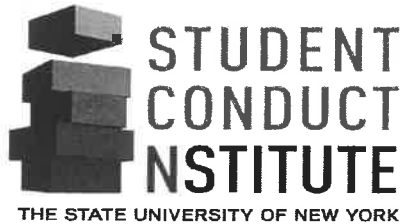
At the time, Astrid's roommate, Ebba Kallax, was also present in the room. I asked Astrid if she would prefer her roommate to stay in the room while we talked, or if she would prefer to talk alone. Astrid stated that she would prefer to speak to me alone and Ebba and Maja left the room. I observed that Astrid looked like her face was red and that her eyes were swollen. She seemed to be speaking with me clearly and coherently. Astrid raised a concern that she might get into trouble, but said the RA told her that she could talk to me. I explained that we have an amnesty policy and that she should not worry about charges related to alcohol or drug use. Astrid seemed satisfied with that confirmation, and

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went on to say that she had been at a hotel room party in Italy with some students who were studying abroad, and that she had been drinking. I asked her if she remembered what she had drank or how much. She stated that she had about two green jell-o shots and two full cups of jungle juice. She said she wasn't sure what alcohol had been in them.

I asked if she had known Lis before this party, and Astrid said that she had seen them around the study abroad group but did not know them. Toward the end of the party, Lis invited Astrid to their hotel room, and Astrid agreed to go because they were really nice and she was having a good time. Once at his room, they hooked up around 1am. Astrid said that this had been consensual, and that she had wanted to have sex with Lis at this time. Afterwards, they both fell asleep. At around 2am, Astrid woke up to Lis moving against her, and that she could feel that they were pressed up against her body. Astrid stated that they had taken her hand and placed it in their pants. Astrid stated that she felt more sober at this time, and did not want to have sex at this time. She said that Lis told her that they'd "make it good for her" and that she should "relax." Astrid asked if he had another condom, and they told her that it would be fine. She told them that she needed to leave and attempted to get up, but could not move from around them. Astrid stated that they then put their hand under her shirt and then moved thier hand to her vagina. Astrid then moved to get off the bed and went to find her dress that she had been wearing earlier, but could not find it. Instead, she put on a pair of sweatpants and a sweatshirt that had been on the floor. When she went towards the door, Lis gave her a hug, and Astrid left to go back to her hotel room on the 2nd floor. She said she had been thinking about what had happened since she returned from the study abroad trip and couldn't sleep. Astrid stated that her roommate got worried about her and went to get the RA.

I asked Astrid if she wanted or needed any medical attention and she declined. Astrid disclosed that Lis is also a student at our institution and lives in Smith Hall. I asked her if she wanted to stay in our emergency space, as she and Lis live in the same building. She said she did want to stay in the emergency space, and would be interested in changing rooms to a different hall. I stated that we could work with her on moving. I completed the intake form (see attached) and asked her if she would like me to have University Police contacted to make a report, and she said that she did want to do that. I also told Astrid that I would need to report what she told me to the Title IX Coordinator, but it would be her choice how she wanted to proceed. She stated that she wanted to speak with the Title IX Coordinator. At that time, I told her I would step out to contact University Police. After calling them, I asked RA Innerskar who was waiting in the hallway to document the situation from her perspective. After University Police arrived, I began to work with central staff on moving Astrid to our emergency space on campus per our protocol. End of Report.



**The State University of New York
Student Conduct Institute
Residential Life Incident Report**

SAMPLE CASE DOCUMENT #1

Incident Report # 16809RA
Completed By: Maja Innerskar
Date of Submission: 03/15/2020
Time of Submission: 11:00 am EST

Description of Incident

On Sunday, March 15th, 2020, I was in my room in Smith Hall when I heard a knock at my door around 10am. When I opened the door, I noticed Resident Ebba Kallax at my door. I greeted her and asked how she was, to which she responded that she was concerned about her roommate, Resident Astrid Havsten, and wanted to know if I could come talk to Astrid. When I asked if her roommate was okay, Ebba replied that she was worried because her roommate seemed upset and came home at 3am, which is unlike her. She was crying, but didn't want to talk about anything, and wouldn't go to breakfast. I agreed that I would go speak to Astrid and we went down the hall to their room.

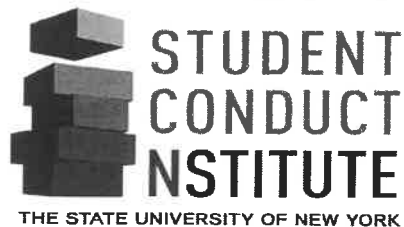
Upon entering Ebba and Astrid's room, I could see that Astrid was sitting on her bed and that her eyes looked red and bloodshot. I noticed that Astrid was wearing sweatpants and an oversized sweatshirt with a USA soccer logo on it. Astrid had a box of kleenex on the bed next to her, along with a can of White Claw. I asked if she was okay, and Astrid replied that she wasn't sure. I asked if she did anything for Founder's Day the night before, and Astrid nodded. She then asked me, "If something happened last night would I get into trouble?". I asked her what she was concerned she would get in trouble for, and she began to tell me about the party they attended the night previously. Astrid identified that she had been drinking the night of the party, and that there had been green jell-o shots and jungle juice given out at the party. She stated that she had consumed around two jell-o shots and 2 full red-solo cups of Jungle Juice. She did not know what type of alcohol was in the drinks but stated that it seemed like everyone was drinking it.

She said that she had met someone at the party named Lis Svano, who was also a student. She said that Lis invited her back to their room up on the fourth floor, and she agreed to go. Around 1am, they had "hooked up." Astrid said that she had wanted to have sex with Lis at that time, and consented to having sex at that time. After having sex, they both fell asleep. When Astrid woke up around 5am, she felt Lis moving against her, and could feel they were rubbing against her hip. Astrid said they had taken her hand and placed it inside their pants before she pulled away from them. Astrid stated that she felt a little more sober and didn't want to have sex anymore. She said that they told her they'd "make it good for her" and to "relax." Astrid asked them if they had another condom, and they said that it would be fine without one. Astrid was not comfortable with that and remembered saying that she needed to leave. She said she tried to get up, but she had trouble moving around him. Astrid recalled that they put their hand up her shirt and then moved their hand down to her vagina.

SAMPLE CASE DOCUMENT #1

Astrid recalled feeling disoriented when she left their room, and had taken a wrong turn toward the back stairwell. She bumped into Elan Kersvan who was on his way to go work out and she was worried he might say something to her about seeing her doing a "walk of shame". She figured out how to get back to the second floor left side where her room is. She returned to her room where her roommate Ebba was sleeping. She tried to go to bed but couldn't fall asleep. Astrid just said that she was upset about everything.

I explained that given what she had told me, I would need to call the Hall Director on call. I told her that we could be private about the situation, but that I had to report what she had told me. Astrid said that was okay, and that she would be okay with talking to the Hall Director about what had happened. I told her I would step out and call the Hall Director and let her know what her options are. I contacted the RHD on call and waited for her in the hallway at around 10:45am. End of Report.



**The State University of New York
Student Conduct Institute
Residential Life Incident Report**

SAMPLE CASE DOCUMENT #2

Incident Report # 16809RHD
Completed By: Bo Sriniski
Date of Submission: 03/15/2020
Time of Submission: 11:01 am EST

Background Information

Incident Date: 03/15/2020
Incident Time: ~2:00am EST

Involved Parties

- Maja Innerskar - RA of 2nd Floor, Smith Hall
- Astrid Havsten - Reporting Individual
- Ebba Kallax - Witness for the RI
- Lis Svano - Accused

Description of Incident

On March 15th, 2020, I received a call from RA Innerskar asking if I could come to Smith Hall to assist with a report of sexual assault. I arrived at Smith Hall where Innerskar was waiting for me in the hallway. We stepped into the Reslife office, where Innerskar disclosed that she received a knock on her door earlier that morning by Resident Ebba Kallax asking if she could come speak to her roommate. Innerskar said that she had spoken to the student, Resident Astrid Havsten about a sexual interaction and that she was in her room ready to speak with me. I knocked on the door and introduced myself to Astrid, and asked permission to sit down. Astrid agreed. I asked if Astrid would be comfortable speaking with me about what happened, and she said yes. Astrid explained that she had been at a party, and ended up hooking up with Lis Svano, but she felt uncomfortable with what had happened. At the time, Astrid's roommate, Ebba Kallax, was also present. I asked Astrid if she would prefer her roommate to stay in the room while we talked, or if she would prefer to talk alone. Astrid stated that she would prefer to speak to me alone. I observed that Astrid looked like her face was red and that her eyes were swollen. I also observed what looked like an empty can of White Claw next to her on the bed. She seemed to be speaking with me clearly and coherently. Astrid raised a concern that she might get into trouble, but said the RA told her that she could talk to me. I explained that we have an amnesty policy and that she should not worry about charges related to alcohol or drug use. Astrid seemed satisfied with that confirmation, and went on to say that she had been at a house party for Founder's Day, and that she had been drinking. I asked her if she remembered what she had drank or how much. She stated that she had about two green jell-o shots and two full cups of jungle juice. She said she wasn't sure what alcohol had been in them.

I asked if she had known Lis before this party, and Astrid said that she had seen them around Smith Hall but did not know them. Toward the end of the party, Lis invited Astrid to thier room on the fourth floor of Smith Hall, and Astrid agreed to go because they were really nice

SAMPLE CASE DOCUMENT #2

and they were having a good time. Once at his room, they hooked up around 1am. Astrid said that this had been consensual, and that she had wanted to have sex with Lis at this time. Afterwards, they both fell asleep. At around 2am, Astrid woke up to Lis moving themselves against her. Astrid stated that they had taken her hand and placed it inside their pants. Astrid stated that she felt more sober at this time, and did not want to have sex at this time. She said that Lis told her that they'd "make it good for her" and that she should "relax." Astrid asked if he had another condom, and they told her that it would be fine. She told them that she needed to leave and attempted to get up, but could not move from around them. Astrid stated that they then put his hand under her shirt and then moved their hand to her vagina. Astrid then moved to get off the bed and went to find her dress that she had been wearing earlier, but could not find it. Instead, she put on a pair of sweatpants and a sweatshirt that had been on the floor. I asked her if that was the sweatshirt and sweatpants that she was currently wearing, and she said yes. When she went towards the door, Lis gave her a hug, and Astrid left to go back to her room on the 2nd floor. She said she couldn't fall asleep when she got back, and in the morning her roommate was worried and went to get the RA.

I asked Astrid if she wanted or needed any medical attention and she declined. I also asked her if she wanted to stay in our emergency space, as she and Lis live in the same building. She said she did want to stay in the emergency space, and would be interested in changing rooms to a different hall. I stated that we could work with her on moving. I completed the intake form (see attached) and asked her if she would like me to have University Police contacted to make a report, and she said that she did want to do that. I also told Astrid that I would need to report what she told me to the Title IX Coordinator, but it would be her choice how she wanted to proceed. She stated that she wanted to speak with the Title IX Coordinator. At that time, I told her I would step out to contact University Police. After calling them, I asked RA Innerskar who was waiting in the hallway to document the situation from her perspective. After University Police arrived, I began to work with central staff on moving Astrid to our emergency space on campus per our protocol. End of Report.