



STATE OF NEW YORK

JUNE 26, 2017

Dear

A statewide audit of college and university compliance with the requirements of New York Education Law Article 129-B (“Implementation by Colleges and Universities of Sexual Assault, Dating Violence Domestic Violence and Stalking Prevention and Response Policies and Procedures,” a/k/a “Enough is Enough”) is being conducted this Summer. As part of this process, your institution must provide certain requested documents in a timely manner.

Attached you will find a “Notice of Audit,” which details the preliminary documents necessary to determine your institution’s compliance with the requirements of Enough is Enough. The requested documents must be mailed to this office in digital form (*i.e.*, thumb drive, CD, or other digital method) in either .pdf or .xls file format and must be postmarked no later than **July 7, 2017**.

Responses should be mailed to:

Stacey Hamilton - Office of Campus Safety
c/o NYS DCJS
10th floor
80 S. Swan St.
Albany, NY 12210

Thank you for your cooperation in this matter. If you have any questions or concerns please contact the undersigned.

Stacey Hamilton

A handwritten signature in black ink, appearing to read "Stacey Hamilton", written over a light gray rectangular background.

Deputy Director
NYS Office of Campus Safety
518-457-5999

June 26, 2017

Notice of Audit pursuant to NYS Education Law Article 129B

RESPONSE REQUIRED TO BE POSTMARKED BY JULY 7, 2017

In conducting this audit the definitions provided within Education Law 129B (Sec. 6439) are applicable.

Pursuant to Education Law Article 129B(Sec. 6440), please provide the following items to this office for the purpose of conducting a compliance audit. Responses must be postmarked no later than July 7, 2017:

1. Code of Conduct (Secs. 6439 – 6443)
 - a.) Information and documentation related to [the institution's] Code of Conduct including the effective date of the Code and the method and manner in which the Code was distributed and posted.
 - b.) Information and documentation regarding the rules/policies that [the institution] provided to all students and the method and manner utilized by [the institution] to disseminate said rules/policies.

2. Rights of Reporting Individuals (Sec. 6444)
 - a.) Information and documentation related to the manner and method by which individuals reporting an incident of sexual assault, domestic violence, dating violence and/or stalking were advised of their rights pursuant to Education Law 129B; and information and documentation related to reporting individuals' acknowledgement of same.
 - b.) Information and documentation regarding the manner and method by which reporting individuals were notified of their right to receive assistance from institution representatives in initiating legal proceedings and reporting individuals' acknowledgment of same.
 - c.) Information and documentation regarding the manner and method by which [the institution] seeks consent from reporting individuals prior to conducting an investigation.
 - i.) Information and documentation regarding the manner and method [the institution] utilizes to determine whether an investigation is required.
 - ii.) Information and documentation regarding the manner and method by which [the institution] notifies reporting individuals that an investigation is required.
 - d.) Information and documentation regarding the manner and method by which reporting individuals were provided information related to resources available to them and reporting individuals' acknowledgement of same.

3. Confidentiality/Privacy (Sec. 6446)
 - e.) Information and documentation regarding the manner and method by which reporting individuals were notified of their reporting options pursuant to Education Law 129B including but not limited to information and documentation as to which officials at the institution could offer the reporting individual confidentiality versus privacy, and reporting individuals' acknowledgement of same.
 - f.) A copy of the institution's plain language explanation of confidentiality and information and documentation regarding the manner and method that it was distributed to all students.
 - g.) Information and documentation regarding the manner and method which [the institution] informed all students about public awareness and advocacy events.
4. No Contact Orders (Sec. 6444)
 - a.) Information and documentation regarding requests for "no contact orders" received by [the institution]; information and documentation regarding the issuance of "no contact orders" by [the institution]; and information and documentation regarding requests for, and issuance of, modification of "no contact orders," including copies of all "no contact orders" issued since the beginning of the academic year 2016.
5. Obligation to Determine a Continuing Threat (Sec. 6444)
 - a.) Information and documentation concerning the manner and method utilized by [the institution] to determine whether a student is determined to present a continuing threat to the health and safety of the community.
6. Interim Measures & Accommodations (Sec. 6444)
 - a.) Information and documentation regarding any and all students who were subjected to interim suspension pending the outcome of a judicial or conduct process; information and documentation regarding any and all requests for modification of interim suspensions; and information and documentation regarding any requests for review of interim suspensions since the beginning of the 2016 academic year.
 - b.) Information and documentation regarding [the institution's] provision of information to its student body related to the availability of interim measures and accommodations such as a change in academic schedule, housing, employment, transportation or other arrangements in order to ensure safety, prevent retaliation and avoid an ongoing hostile environment; as well as any and all requests for review of the need for and terms of any such interim measures or accommodations since the beginning of the 2016 academic year.
7. Information and documentation regarding [the institution's] notification and provision to all students of the rights afforded all students pursuant to Education Law 129B(Sec. 6444)(5)).

8. Transcript Notations (Sec. 6444)
 - a.) A copy of [the institution's] published policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, including information and documentation regarding the manner and method in which [the institution] published the policy.
9. Copies of any and all records related to reports received by [the institution] of incidents of sexual assault, domestic violence, dating violence and stalking since the beginning of the academic year 2016.
10. Copies of any and all records regarding judicial/conduct hearings held by [the institution] related to reports of sexual assault, domestic violence, dating violence and stalking since the beginning of the academic year 2016.
11. Memorandums of Understanding (Sec. 6444)
 - a.) Copies of any and all Memorandums of Understanding that [the institution] has entered into with hospitals and community based organizations, including rape crisis centers and domestic violence shelters, since the beginning of the academic year 2016.
12. Campus Climate Assessments (Sec. 6445)
 - a.) Copies of any and all Campus Climate Assessments [the institution] has administered, and the results thereof, since the beginning of the academic year 2016.
13. Student Onboarding & Ongoing Education (Sec. 6447)
 - a.) Information and documentation regarding [the institution's] student onboarding and ongoing education campaign to educate members of [the institution's] community about domestic violence, dating violence, stalking and sexual assault.
 - b.) Information and documentation regarding the manner and method by which [the institution] ensures that students receive this training.

This office reserves the right to request additional information and documentation in the course of conducting this audit, including but not limited to accessing the physical campus(es) of [the institution], accessing records held at [the institution], and accessing personnel and students of [the institution] for the purpose of conducting interviews.

July 7, 2017

Dear President:

This is a follow-up correspondence to the request for documentation of compliance with the “Enough is Enough” campus sexual assault law (Education Law Article 129-B). In response to questions posed by colleges and Universities, we are providing additional clarifying information for two items listed in the original request.

Within the “Notice of Audit” request for documents, paragraphs 9 and 10 read as follows:

9. Copies of any and all records related to reports received by [the institution] of incidents of sexual assault, domestic violence, dating violence and stalking since the beginning of the academic year 2016.

10. Copies of any and all records regarding judicial/conduct hearings held by [the institution] related to reports of sexual assault, domestic violence, dating violence and stalking since the beginning of the academic year 2016.

The information requested by these paragraphs is intended to be in summary form. With this letter, we are not requesting submission of personally identifiable information of any individual. **Please do not submit individual case records.**

The summaries regarding these incidents and hearings should include the following information:

- 1) Allegation(s);
- 2) Who the incident was initially reported to;
- 3) Was the report referred to state police, local law enforcement, or campus security;
- 4) Was victim offered a sexual assault forensic exam, did the victim receive an exam, and was the exam performed on-campus or by off-campus provider;
- 5) Was victim referred to health services, counseling services, and/or a rape crisis center;
- 6) Was a “no contact” order issued;
- 7) Who conducted campus investigation;
- 8) What were findings of campus investigation;
- 9) Did a disciplinary hearing occur;
- 10) What was finding of disciplinary hearing;
- 11) What was disciplinary outcome (no punishment, suspension, expulsion);
- 12) Did a student found responsible for violation of code of conduct receive notation on transcript;
and
- 13) Any other information the college or university believes would be helpful in describing the process followed in investigating and making a determination regarding the incident.

This information may be submitted in either listing or spreadsheet form with narrative information answering the specific questions above. If there are additional questions regarding this request, please contact us by email or at the number below.

Thank you,

Stacy Hamilton

Office of Campus Safety