

2020–2021 HEDS Sexual Assault Campus Climate Survey Additional New York State Questions

The next six yes-or-no questions cover content that is required by New York State law. Please continue with the survey and answer these last few questions. Thank you.

In the next question, we use definitions based on the U.S. Department of Justice’s definitions of domestic violence, dating violence, and stalking (<https://www.justice.gov/ovw>) as indicated by New York State law.

1. Since starting at [Institution Name], have you experienced any of the following while you were (a) on campus; (b) off campus at an event or program connected with [Institution Name], including study abroad and internships; or (c) at a social activity or party near campus such as at an apartment, restaurant, or bar:

	Yes	No	I suspect, but I am not certain.
Domestic violence (includes violence committed by: a current or former spouse or intimate partner; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or someone who should be protecting the victim according to domestic/family violence laws.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dating violence (means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined by considering: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stalking (means 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 suffer substantial emotional distress.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Are you aware that [Institution Name]'s Title IX Coordinator leads [Institution Name]'s response to reports of sexual assault, domestic violence, dating violence, stalking and other forms of gender-based misconduct?

- Yes
- No

“Affirmative consent” is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

3. Are you aware that [Institution Name]'s standards for student conduct require all parties to obtain "affirmative consent" prior to engaging in sexual activity?

- Yes
- No

4. Do you know how to access resources on and off campus if you’ve experienced domestic violence, dating violence, stalking, or sexual assault (e.g. counseling, health, and academic assistance)?

- Yes
- No

5. Do you know how to report domestic violence, dating violence, stalking, or sexual assault to [Institution Name] and to law enforcement?

- Yes
- No

In legal terms, a preponderance of evidence means that a party has shown that its version of facts, causes, damages, or fault is more likely than not the correct version, as in personal injury and breach of contract suits. This standard is easier to meet than the “beyond a reasonable doubt” standard of evidence applied in criminal law. The “preponderance of evidence” standard applies to all civil cases unless otherwise provided by law.

6. Are you aware that [Institution Name] uses a "preponderance of evidence" standard to adjudicate gender-based misconduct cases, and that this evidentiary standard is different than that used in the criminal justice system?

- Yes
- No

Some of these questions are available for use thanks to a New York college that generously agreed to share them.