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## SEXUAL MISCONDUCT REPORT FORM

### COMPLAINANT'S INFORMATION (if different from reporter)

**Complainant's Name:**

**Complainant's Affiliation to ASA College**  
(Student, Faculty, Staff, Unaffiliated):

**Complainant's Contact Information** (if available)

Telephone:

E-mail:

### RESPONDENT'S INFORMATION

**Respondent's Name** (if known):

**Respondent's Affiliation to ASA College**  
(Student, Faculty, Staff, Unaffiliated):

### INCIDENT INFORMATION

**Date and Time of Incident:**

**Location of Incident**

**Is Complainant Safe?**

**Were Any Emergency Services Used?** (If yes, List)

**Brief Description of Incident** (Nature of misconduct, context or circumstances, such as spring break trip, on campus event, off campus party, etc.):

**Other Individuals Present or Involved** (List names and affiliation to ASA College - Student, Faculty, Staff, Unaffiliated):

### REPORTER'S INFORMATION (Required, if other than Complainant):

**Reporter's Name:**

**Date of Report:**

**Reporter's Affiliation to ASA College**  
(Student, Faculty, Staff, Unaffiliated):

**Reporter's Contact Information:**

Telephone

E-mail

#### DOWNTOWN BROOKLYN

151 Lawrence Street  
Brooklyn, NY 11201  
Tel: 718 - 522-9073

#### MIDTOWN MANHATTAN

1293 Broadway/One Herald Center  
New York, NY 10001  
Tel: 212-672-6450

#### DANIA BEACH

225 E Dania Beach Blvd, Suite 120  
Dania Beach, FL 33004  
Tel: 786-279-1740

#### HIALEAH

530 West 49th Street  
Hialeah, FL 33012  
Tel: 786-279-2643

## What is Sexual Misconduct?

Sexual Misconduct includes: Rape, Sexual Assault, Sexual Coercion, Sexual Harassment, Domestic and Dating Violence, Stalking, and all other forms of Sexual Violence.

## Who is required to report Sexual Misconduct?

Any ASA College employee, whether faculty, or staff, who receives a complaint or otherwise learns about a possible incident of Sexual Misconduct involving a member of the ASA College community as Complainant or alleged Respondent must complete this report form. You may also use this form to report an incident of Sexual Misconduct if you are the Complainant/Reporting Individual or if you are not an ASA College employee.

## Are there College employees who may keep reports of Sexual Misconduct confidential?

ASA College does not have a health or counseling center or a chapel or ministry. Because of the unavailability of these resources, confidential havens do not exist on ASA College campuses and as a result ASA does not accommodate requests for Confidentiality. Students and staff who may want to talk to someone about something they have observed or experienced, even if she/he is not sure that behavior constitutes Sexual Violence are urged to contact the Confidential Hotline at CAMBA, 1-800-310-2449 or Wyckoff Heights Medical Center, 718-906-3846/3857. Students and staff who do not wish to disclose to ASA College a complaint of Sexual Misconduct may seek assistance with confidential health, rape crisis services, police and court advocacy services, mental health counseling, victim/survivors benefit services; information and referral services related to assistance in filing Crime Victims compensation with the NYS Office of Victim Services from these external resources. ASA College has MOU agreements with these agencies.

## What if a complainant requests confidentiality?

Even if a complainant requests confidentiality or is unwilling to proceed with a complaint, ASA College employees are required to report the complaint to a Title IX Coordinator. If confidentiality is requested, the College will take reasonable steps to investigate and respond to the complaint, consistent with the complainant's request. In all cases, the College will weigh its responsibility to provide a safe and nondiscriminatory environment against the complainant's request for confidentiality. The determination of whether and how to proceed will be made by the Title IX Coordinator in consultation with the Complainant.

## Consent Requirement:

However, before any discussion to proceed with an investigation of a reported Sexual Misconduct allegation, the Title IX Coordinator will request the consent of the Reporting Individual prior to beginning an investigation. If the Title IX Coordinator request is denied to proceed, there are several instances under which the Title IX Coordinator will proceed with an investigation without the written consent of the Reporting Individual/Complainant to proceed with an investigation:

- The increased risk that the accused will commit additional acts of violence or similar Misconduct;
- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the victim is a minor;
- Whether the accused used a weapon or force in the reported incident;
- The incident is an escalation of previous behavior;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior, such as a situation that previously involved sustained stalking;
- Evidence is obtained by other means; such as security footage and whether the report reveals a pattern of perpetration at a given location or by a particular group.

**Did you provide consent to the ASA College Title IX Coordinator to conduct an Investigation:**      Yes      No.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## What interim measures are available to the Complainants?

The Title IX Coordinator may implement interim measures pending the investigation of a report or complaint to prevent contact between a Complainant, an accused party, and anyone involved in the investigation.

Interim measures are helpful to ensure the safety of all parties to the investigation, prevent retaliation, and avoid an ongoing hostile environment. Such measures may include but are limited to: (1) Issuing a "no contact order" whereby intentional contact shall be a violation subject to disciplinary procedures; (2) Interim suspension after it is determined that the accused presents a continuing threat to the health and safety of the rest of the College community; and (3) Providing increased security; supervision or monitoring at locations or activities where the alleged misconduct occurred; adjustment to housing or living arrangements; reasonable adjustment to class or College work schedule; or change in campus location to attend classes. Such remedies are designed to prevent recurrence, to alleviate pain, embarrassment, and aggravation associated with Sexual Misconduct.

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## What happens with the information I provide?

Once a complaint or notice of allegation of Sexual Misconduct is received, the Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate health concerns raised by the report, including interim remedies.

The Title IX Coordinator will provide the Complainant with a general understanding of this Policy and the process for responding to complaints of Sexual Misconduct. The Complainant will be provided with available resources and referrals for medical treatment at local hospitals and trauma centers. The Complainant will also be advised of the right to an advisor of his or her choice to accompany them to all meetings during the investigation.

**Listed below is a summary of the disclosures the Title IX Coordinator is required to discuss with the Complainant and the Respondent:**

- The right to be notified of the timeframe for the major stages of the investigation;
- The right to present witnesses and evidence;
- The Title IX Coordinator will inform the Respondent that an investigation is being commenced and the allegations of the Complainant. If there is a written complaint, the Respondent will be provided with a copy of the complaint, unless circumstances warrant otherwise;
- If the alleged Respondent is allowed to have a lawyer; the Complainant has the right to have one too;
- Both parties are offered the opportunity to submit questions (in writing) of the other party and/or witnesses to the Adjudicator. However, the Adjudicator reserves the right to decline to ask the questions submitted;
- Both parties will be informed that the College prohibits retaliation in any form against any person who reported the allegation of Sexual Misconduct or participates in the investigative proceedings. Reports of retaliation will be investigated and individual(s) involved will be subject to disciplinary action;
- The College uses the Preponderance-of-the Evidence Standard of Proof to adjudicate the complaint. The College cannot use a Higher Standard of Proof;
- The right to be given periodic status updates; to be notified in writing of the outcome of the complaint and any appeal, including any sanctions directed to each party;
- Inform both parties of their right to appeal the outcome of the complaint;
- Each party has the right to have the proceedings documented, which may include written findings of fact, transcript, or audio recordings;
- The Complainant has the right not to “work it out” with the Respondent in mediation. Mediation is not appropriate in cases involving Sexual Assault.

## Summary of the preliminary investigation:

The Title IX Coordinator will conduct a preliminary investigation to assess whether this Policy or the Student Code of Conduct may have been violated. If the Title IX Coordinator determines that there was a finding of Sexual Misconduct, the Title IX Coordinator will notify the Respondent in writing that a complaint has been filed and provide the factual allegations concerning the alleged violation, and possible sanctions.

The Title IX Coordinator will schedule a meeting with the Respondent, within a reasonable amount of time, and ensure the Respondent is provided with a written explanation of all available resources and options, and is offered the opportunity to discuss those resources and options.

Wherever possible, simultaneous notification will be given to both parties (Complainant and Respondent) either by personal delivery; overnight mail with signature requirement; certified mail with return receipt to the address in ASA College’s records; and/or by email to the Complainant’s and Respondent’s ASA College’s email accounts. The notice shall contain: (1) the date, approximate time, and location of the alleged violation; (2) a description of the factual allegations; and (3) a summary of potential sanctions associated with the alleged violation.

The notice shall inform the Complainant and the Respondent of the right to bring an advisor to meetings and ensure there is a clear understanding that the role of the advisor is to support and advise, not to speak on the behalf of the Complainant or Respondent or to take any action that may interfere with the integrity and process of the investigation.

The Investigator will interview the parties about the complaint, as well as any witnesses who have been identified. The Investigator will ask the parties for any documentary, electronic, or other evidence related to the complaint that they want to offer. Prior sexual history with persons other than the charged party in a disciplinary proceeding is not considered evidence and will be excluded. Also, the mental health diagnosis and/or treatment of the parties will be excluded from the decision stage of the disciplinary process that determines responsibility. However, past findings (especially repeated offenders) of Domestic Violence, Dating Violence, Stalking or Sexual Assault may be admissible when determining sanctions. All individuals who are interviewed shall be advised to maintain privacy of the investigation process and not to disclose any information related to the complaint unless necessary during the complaint process. Maintaining privacy is important to preserve the integrity of the investigation and deter retaliation.

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**Summary of the preliminary investigation:**

It is generally the Complainant’s decision whether to file a complaint or to continue with any form of resolution. If the Complainant elects to initiate a formal complaint against another person or group of persons, a Sexual Misconduct Report Form is filed with the Title IX Coordinator, and an investigation is conducted.

Please provide the information requested and deliver the completed form to:

<b>TITLE IX COORDINATORS</b>		
<b>NAME</b>	Dr. Jayne Weinberger	Jennifer Ross, JD / Esq.
<b>TITLE</b>	Chair, Ophthalmic Dispensing / Title IX Coordinator	Faculty, Legal Studies Division / ADA / Title IX Coordinator
<b>CAMPUS</b>	ASA College - New York	ASA College - Miami
<b>STREET</b>	1293 Broadway, Room 602	225 East Dania Beach Blvd., Room 208
<b>STATE</b>	New York, NY 10001	Dania Beach, Florida 33004
<b>PHONE</b>	212-672-6450 (ext.1431)	786-279-1741 (ext.4055)
<b>EMAIL</b>	jweinberger@asa.edu	jross@asa.edu

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