

The High-Reliability Greek Organization: *A Risk Management, Service, and Leadership Approach*





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- **Learning Outcomes – [6]**
- At the conclusion of the interactive lecture and slideshow, or if accomplished as self-study, each member of Greek life will, with or without referencing any personal notes, orally articulate the following:
- Three obligations of Alfred State College, as mandated by the Campus SaVE provision of the Violence Against Women Reauthorization Act.
- The primary purpose of Title IX of the Education Amendments of 1972; and two obligations of Alfred State College, as prescribed by this federal law.
- The definition of sexual offenses, according to the U.S. Department of Education; and three specific examples of these prohibited, criminal offenses.



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- **Learning Outcomes – [6]**
- The definition of consent, as applied to sexual conduct; three factors prohibiting consent being given; and three ways consent can be revoked, after it was initially granted.
- Three ways bystanders can safely intervene to prevent or stop sexual harassment and sexual misconduct.
- Three potential forums for redressing sexual misconduct committed by students or employees of Alfred State College; and the standard of proof required for adjudication through the Judicial Affairs process.

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- Did **you** know...
- Within the last twenty years, nationwide, 19% of all homicides were committed within families or intimate relationships?
- Moreover, about 33% of female murder victims in recent years were killed by current or former spouses or boyfriends.
- Furthermore, a nationwide survey of women who reported having been raped, physically assaulted, or stalked since they were 18 years old, 64% were victimized by current or former husbands, cohabitating partners, boyfriends, or dates.
- Since your pillars of Greek life include service, leadership, and brotherhood and sisterhood, how committed are **you** to preventing or reporting domestic violence, dating violence, sexual assault, stalking, and sexual harassment?

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- **MEDIA RELEASE -**

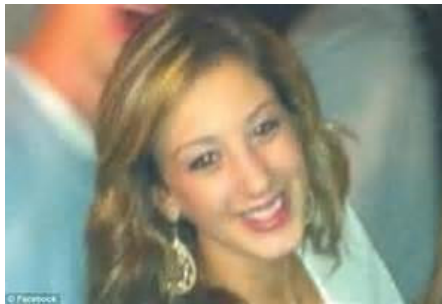
- A SUNY Brockport student was beaten to death in her dorm room recently — and her boyfriend was charged with the brutal crime.
- The victim, identified as 18-year-old Alexandra Kogut, was a freshman from New Hartford, N.Y., according to ABC affiliate WHAM in Rochester.
- Her boyfriend, 21-year-old Clayton Whittemore, was held without bail on second-degree murder charges, the Utica Observer Dispatch reported.
- He allegedly admitted to killing her, but later pleaded not guilty, police said. A motive hasn't been released.
- Authorities called the crime "brutal" after injuries were found on Kogut's upper body, WHAM reported.

- Reporter and Advocate Suzi Parker, the Washington Post, WHAM, Rochester, the Utica Dispatch, & WIVB, Buffalo Contributed to the Information on Slides 4 and 5.

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- Kogut was remembered as a talented swimmer, and friends showed an outpouring on a Facebook page dedicated to her.
- "Those who didn't know Alex, she was a person who everyone loved," someone wrote. "She didn't have a mean bone in her at all. She was nice to every person around. Her smile brightened the room."
- Whittemore attended Utica College, about 2 1/2 hours from Brockport. Investigators don't yet know if he spent the weekend with his girlfriend or if he drove to Brockport shortly before he killed her.
- He was arrested at a rest stop at around 4:00 a.m. Saturday as he drove away from Brockport.
- The Kogut tragedy will likely dominate the headlines for a few days and speculation will swirl. But every day, nationwide, more than three women are killed by their husbands or boyfriends. Sadly, there are at least two more Alexandra Koguts today who may or may not make national headlines.

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- The Violence Against Women Act, “VAWA,” requires colleges and universities to: report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandated; adopt certain student discipline procedures, such as notifying purported victims of their rights; and adopting certain institutional policies to address and prevent campus sexual violence, such as training of pertinent institutional personnel.
- The Violence Against Women Reauthorization Act, which President Obama signed into law on March 7, 2013, imposed new obligations on colleges and universities under its **Campus Sexual Violence Act (“SaVE Act”) provision, Section 304. SaVE is a provision of VAWA, not separate, distinct legislation. However, this provision imposed new reporting requirements, new student discipline requirements, and new requirements to educate and train students and employees on sexual violence awareness, prevention, and response.** [Obj.1]



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- The Clery Act requires colleges and universities that participate in federal financial aid programs, like Alfred State, to report annual statistics on crime, including sexual assault and rape, on or near the campus, and to develop and disseminate policies.
- It is a geographically-driven component of the Higher Education Act. Compliance requirements are gathered from the statute, as well as the regulations.
- Additional information comes from sub-regulatory guidance, the Clery Handbook, Annual Clery Letters to Institutions, Dear Colleague Letters, published and unpublished Clarifications, and Program Reviews.


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- **Title IX of the Education Amendments of 1972 is a comprehensive federal law that protects people from discrimination based on sex in education programs or activities which receive federal financial assistance.** [Obj.2] The law prohibits discrimination on the basis of sex in any federally-funded education program or activity. Title IX applies to traditional educational institutions such as colleges and universities, including SUNY campuses. Under Title IX of the Educational Amendments Act of 1972, colleges and universities are required to develop procedures to respond to claims of sexual harassment.
- **Title IX mandates colleges and universities, including Alfred State, to promptly respond to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence, through the Title IX coordinator, and by providing meaningful training and education.** [Obj.2]




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- Recent amendments to the Violence Against Women Act mandated changes to Clery Act compliance. Some of these changes are minor, while others are complex: such as myriad training, programming, and campaign requirements.
- Compliance with these laws requires an institution-wide effort and support from college leadership.
- Members of Alfred State's Greek life community, as leaders within the campus community and surrounding community, play an integral role in these compliance, awareness, and prevention efforts.




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- The objective of all SUNY colleges and universities, including Alfred State, is to best serve our students by fostering a safe and healthy environment for all students and employees.
- Our priority at Alfred State is not checking the boxes on compliance checklists or documenting details for an audit; our priority is an educational environment free from discrimination and assault. The most important concepts we hope that our stakeholders take from this interactive training is the need to be fair, transparent, and supportive with members of our campus community who experience, learn about, or otherwise report these very serious incidents and crimes.



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- The Greek Community at Alfred State is governed by Greek Senate, a student-led organization comprising representatives from individual Greek chapters with a shared vision and common goals that reflect the community's ideals and values. The goal of Greek Senate is to uphold the four pillars of Greek life: **Scholarship, Service, Leadership, and Brotherhood and Sisterhood.**
- These four pillars are laudable and magnanimous:
- **Scholarship**; academic success and scholastic excellence.
- **Service**; giving back to the college and campus communities.
- **Leadership**; demonstrating initiative and responsibility.
- **Brotherhood and Sisterhood**; collaborating to host events, recruit new members, and honor our own for outstanding performance.
- Greek Life Vision, Goals, and Pillars Courtesy of <https://www.alfredstate.edu/life-on-campus/greek-life>



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- The philosophy and objectives of Greek organizations at Alfred State College are remarkably similar to the philosophy and objectives of the University Police Department at Alfred State College.
- Both organizations have core tenets that guide their strategic plans and behavior.
- Both organizations embrace social responsibility and resolutely support the overall academic mission of Alfred State College.
- Members of both organizations are selflessly committed to servant leadership and community service.
- Personnel from both organizations honor their tradition, and have an unyielding sense of brotherhood and sisterhood.

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- The mission of the University Police Department is to maintain a safe environment that allows the greater mission of Alfred State College to succeed. University Police staff will be models of professionalism. The focus of the department and its resources will remain on the protection of campus community members' lives, property, and rights. University Police will also develop and participate in prevention and educational-based programming activities in order to become an integral component of the college's learning environment.
- UPD Mission Statement Courtesy of Greg Sammons, former Chief of University Police, 2012.



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- United in a spirit of teamwork, driven by the relentless pursuit of excellence, and with an unwavering personal commitment to our core values, the University Police Department will be an open, friendly, and people-centered organization devoted to quality customer service, unyielding in purpose and dedicated to live by principles reflecting a genuine desire to care for the safety and well-being of the campus community, while allowing the greater mission of Alfred State College to succeed.
- UPD Vision Statement Courtesy of Les Kachurek, Chief of University Police, 2013.



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- Unified in spirit and purpose, we, the dedicated professionals of the University Police Department, hold and model the following core values:
- **Human Life;** we value human life and dignity, as guaranteed by the Constitution.
- **Integrity;** we believe integrity is the basis for constituent trust.
- **Laws and Constitution;** we support the principles embodied in the Constitution of the United States.
- **Excellence;** we relentlessly strive for personal and professional excellence.
- **Accountability;** we are personally accountable to each other and the stakeholders we serve.
- **Community Partnership;** we are committed to community policing as a philosophy, not merely a program or initiative.
- UPD Core Values Courtesy of Les Kachurek, Chief of University Police, 2013.



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- SUNY colleges and universities, including Alfred State, take reports of crimes, including **sexual assault**, domestic violence, dating violence, and stalking, very seriously.
- **Sexual Offenses have been redefined by the United States Department of Education to include any sexual act directed against another person, without the consent of victims, including instances where victims are incapable of giving consent.** [Obj. 3]
- Criminal offenses under the vista of **sexual assault** include various degrees of: **rape; fondling; incest; statutory rape; criminal sexual acts; sexual misconduct; forcible sexual abuse; aggravated sexual abuse; persistent sexual abuse; forcible touching; facilitating a sex offense with a controlled substance;** [Obj. 3] and several others specifically related to victimizing children and infants.

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- **Rape;** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;
- **Fondling;** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where victims are incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest;** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape;** non-forcible sexual intercourse with a person who is under the statutory age of consent.

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- **Consent is the agreement to engage in specific sexual contact, which may be given by verbal agreement or active and willing participation in the respective sexual activity.** [Obj.4]
- **Consent to sexual contact or any specific sexual act cannot be given if an individual is incapacitated or impaired because of a physical or mental condition or the ingestion of drugs or alcohol, or under the age of 17 years.** [Obj.4] Silence, previous sexual relationships, current relationships, or the use of alcohol and/or drugs is never an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity is evidence of lack of consent. **Consent may be initially given, but it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness.** [Obj.4]
- Failure to cease sexual contact immediately in response to a withdrawal of consent constitutes prohibited, or non-consensual sexual contact.

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- “No,” in-and-of-itself, is a complete sentence.
- “No” or any other negative statement or acts/physical gestures supporting the desire to cease contact in response to sexual contact or an invitation to sexual contact is regarded as a denial of consent to such sexual contact.
- If one has to ask himself if he truly has consent, the answer is a resounding...

NO! NO! NO! NO!

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- **Domestic violence** comprises acts contrary to the NYS Penal Law, including, but not limited to: disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child.
- Such acts are alleged to have been committed by family members or other offenders involved in intimate relationships with the victims. These victims can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.
- Retaliation, including threatened retaliation, is also redressed under the sphere of domestic violence.

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- Domestic violence is always a criminal offense, never a private or family matter.
- Hence, NYS Law, UPD policy, Title IX mandates, amendments to the Violence Against Women Act, and Clery requirements have removed all police discretion. Therefore, all domestic incidents reported to University Police, will be documented on a NY State Domestic Violence Incident Report, which enters offenders into a statewide database. Moreover, in all instances where probable cause exists that a domestic-related offense has occurred, University Police must effect an arrest. Furthermore, defendants facing DV-related charges are ineligible for pre-arraignment bail.
- Even in those rare instances where victims refuse to cooperate with prosecuting domestic violence offenders, police and prosecutors always partner, and pursue evidence-based prosecutions.

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- **Dating violence** is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the respective victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

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- **Stalking**, by derivation, means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to: repeatedly following such person(s); repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s); and that serve no legitimate purpose; and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.
- Stalking, including cyber-stalking, is the fastest-growing crime across the U.S.
- Nationwide, more than 6.6 million incidences of stalking were investigated by police last year. This crime often has deleterious consequences to victims. Hence, prevention, and early interdiction, is of paramount importance.

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- By derivation, **sexual harassment** is any *unwanted* tacit, verbal, or physical conduct of a sexual nature. It includes, but is not limited to: inappropriate comments, gestures, e-mails, text messages, instant messages, jokes, photographs, props, videos, touching, and demands or requests for sexual favors as conditions of employment, or any facet of matriculation at Alfred State.
- The keys are two-fold: the behavior in question must be *unwanted* by the receiver or purported victim. And, the intention of the sender or alleged offender is secondary to the interpretation of the behavior by the receiver or purported victim. Thus, that which is lewd, obscene, sexual, or offensive is inherently subjective.
- The two main broad varieties of sexual harassment are quid-pro-quo and hostile environment.

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- Quid-pro-quo, or “something for something,” harassment is usually committed by persons in positions of authority or power. It comprises compelling others to grant sexual favors, by promising some benefit or perk, in exchange for the favors. It may also entail threatening to withhold something of value, unless sexual favors are granted.
- Most allegations of sexual harassment are of the hostile environment variety. The college environment becomes hostile when unnecessary stridency is created by any actual or de facto agent of the college. This hostility is unrelated to the diurnal duties of employees and students, and is incongruent with the organizational mission, vision, values, and strategic goals.
- Common hostile environment allegations include, but are not limited to: inappropriate touching, sexual comments, gestures, propositions, and pornographic magazines or photos in common areas such as break rooms and lobbies, sexually explicit jokes, e-mails, and computer generated or other videos of a sexual nature.

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- Ancillary categories of sexual harassment include third-party and same-sex.
- Third-party harassment occurs when the college environment becomes hostile as an unintended consequence of the behavior of others, when the victim was not the target of the harassment. This most often occurs when an employee or student overhears a sexually explicit conversation between other employees or students, or views a sexually explicit e-mail or photo by virtue of sharing a computer.
- Same-sex harassment occurs when the offender and victim share the same gender. It may be of the quid-pro-quo or hostile environment variety.
- While Alfred State College and the University Police Department both take a zero-tolerance approach to all forms of discrimination, sexual harassment is particularly odious, because of its tendency to quickly become persistent and pervasive.
- Remember, Title IX strictly prohibits all varieties and forms of sexual harassment.

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- **Alfred State College expects all members of the campus community to take reasonable and prudent actions to prevent or stop acts of sexual misconduct and sexual harassment. Bystanders can help in several different ways, including direct intervention, seeking assistance from authority figures, notifying University Police, or calling local law enforcement.** [Obj. 5]
- Recognizing when acts of sexual misconduct or sexual harassment are occurring, or are about to occur, is the first step to intervening. Obvious signs include:
- Any sexually-explicit, demeaning, threatening language; any unwanted physical contact; groping, fondling, including any verbal or physical resistance offered; any threat of, or actual violence; punching, pushing, hair-pulling, spitting, displaying of actual or makeshift weapons; or physical restraint against one's will.

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- The criminal or other prohibited behavior of others can also be more subtle:
- Attempting to persuade potential victims to overindulge in alcoholic beverages; covertly tampering with the beverages of others; attempting to persuade potential victims to use illegal or prescription drugs; attempting to access the cell phones of potential victims; leaving a gathering suddenly upon observing potential victims leaving; unusual persistence when offering beverages or transportation; and two or more complicit males covertly communicating or attempting to distract friends or companions of potential victims.

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- Intervention must be done safely; if the violence does not cease; and if it cannot be stopped with your words; call law enforcement.
- Do not be reluctant to ask an RA, RD, or other students for help.
- Often, very benign, low-risk actions, such as firmly stating: “Stop doing that!” “I’m calling the police!” “The police are on the way!” or “You’d better stop that, you’re being filmed!” – are adequate to thwart illegal, even violent actions.
- Bystander intervention should not entail any actions that subject bystanders to unreasonable danger or likelihood of sustaining physical injury. Thus, bystanders should not intervene in any manner beyond their training or capabilities.
- Benign intervention, as delineated above, remaining on the phone with police communications personnel, and being a willing, cooperative witness for police, is often adequate.



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- Please remember, at Alfred State College, the health and safety of every student is of primary importance and all students are strongly encouraged to be empowered bystanders who respond in potentially dangerous situations without fear of reprisal from the College. ASC's Good Samaritan Policy supports students who act responsibly by reaching out for assistance during emergencies, as well as supporting students who are helped.
- Students are eligible to use the Good Samaritan Policy on multiple occasions. Moreover, students are always strongly encouraged to report medical emergencies, or other emergencies requiring response from University Police or other law enforcement.

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- **Sexual misconduct at Alfred State College may be redressed in the following ways: criminally; arrest, and adjudication in the criminal justice system; administratively; through the Judicial Affairs process for students; and via the Department of Human Resources for employees.** [Obj. 6]
- Students may be subjected to a multitier system of redress through Judicial Affairs: disciplinary warning; Order of No Contact; disciplinary probation; extended probation; interim suspension; and expulsion. Unlike the criminal justice system requiring reasonable doubt as the standard of guilt, **administrative discipline through Judicial Affairs, requires only a preponderance of evidence.** [Obj. 6] Moreover, redress can occur simultaneously through the criminal justice system and Judicial Affairs. This does not violate the double jeopardy clause of the Fifth Amendment of the U.S. Constitution.
- Accused employees can also be redressed simultaneously through the criminal justice system and the College's Department of Human Resources.

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- Please remember that sexual assaults and sexual harassment, including many related offenses, are identifiable risks. Therefore, like all other identifiable, quantifiable risks, they are preventable, or at the very least, manageable risks.
- Members of Greek life, in conjunction with University Police, as leaders; “influencing others to voluntarily follow our example,” have a propitious opportunity to effect meaningful, positive change in the lives of students.
- Moreover, with our shared commitment to service; “selflessly working for the greater good of others, and society as a whole,” members of Greek life and University Police are obligated to do everything possible to protect the well-being of our College, and its agents.
- As individual organizations, our effectiveness is limited. By partnering, Greek life and University Police, can make a profoundly positive impact that endures long after we are all gone.

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- Reports of sexual misconduct should be promptly reported to University Police, at 607-587-3999.
- Allegations of discrimination, including sexual harassment, should be reported to Alfred State's Title IX Coordinators, Samantha Testani, at TitleIX@alfredstate.edu or 607-587-4028 and Nicole Hockenberry, at hockennr@alfredstate.edu or 607-587-4076.
- Allegations of discrimination, including sexual harassment, may also be reported to Alfred State's Deputy Title IX Coordinators: Les Kachurek, Chief of University Police; kachurlp@alfredstate.edu or 607-587-3999 or 3993; Matthew Ryan, Senior Director of Residential Services; ryanmj@alfredstate.edu or 607-587-4350; Casey Gross, Associate Dean for Judicial Affairs; grosscl@alfredstate.edu or 607-587-4066; and Gina Boyd, Athletic Department; boydgm@alfredstate.edu or 607-587-4363.

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- Furthermore, all students and employees are encouraged to visit Alfred State's Title IX webpage, <https://www.alfredstate.edu/human-resources/title-ix>
- This comprehensive reference contains the College's policy on Discrimination and Harassment, explains Title IX, defines sexual harassment, delineates reporting procedures, lists the contact information for the Title IX Coordinator and Deputy Coordinators, and comprises resources for victims, including victim's rights.
- Students and employees are also encouraged to contact University Police at universitypolice@alfredstate.edu or 607-587-3999, for relevant literature, or to request a presentation on these topics.

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Lesson Title: The High-Reliability Greek Organization.

Dates: 11/21/2014.

Time / Duration: 60 Minutes.

Method: Interactive Lecture; Slide Show Format.

Location: Alfred State College.

Prerequisites: Member of Greek Life at ASC.

Pre-test: None Post-test: None. Objectives: [6] See Slides 2 and 3.

Comprehension Check: Verbal.

Prepared & Approved By: Chief Les Kachurek, N.Y.S. DCJS MA/GT/IE/MH/CT.

Instructor: Chief Les Kachurek, N.Y.S. DCJS MA/GT/IE/MH/CT.





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Instructor's References: [5]

1. Legal Guide: Policy and Programming Changes Pursuant to the Campus SaVE Provisions of the Violence Against Women Act, via SUNY Professional Development Seminar, **Staag, Andrea, Storch, Joseph**, in Conjunction with the SUNY Office of the General Counsel, Albany, NY, 07/2014.
2. Slide Show: Target Hardening; Sexual Assault Interdiction, **Kachurek, Les**, in Conjunction with the SUNY ASC UPD, 08/2014.
3. Slide Show: Student-Athletes; Success Through Risk Management and Partnering, **Kachurek, Les**, in Conjunction with the SUNY ASC UPD, 08/2014.
4. Slide Show: Sexual Harassment Interdiction, **Kachurek, Les**, in Conjunction with the SUNY ASC UPD, Sworn and Civilian In-service, 05/2014.



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5. Guidebook: First Response to Victims of Crime; a Guidebook for Police, Sec. III, Pages 43 – 49, **Robinson, Laurie, Frost, Joye, E**, in Conjunction with the U.S. Dept. of Justice, the OVC, and the National Sheriffs' Assoc., 07/2010.
- Instructor's Aids: Laptop Computer, Projector, 40 Slide PP Slide Show.
 - Students' Aids: Personal Notes.
 - All Images Courtesy of bing.com.