LONG ISLAND UNIVERSITY

NON-DISCRIMINATION, ANTI-HARASSMENT AND CIVIL RIGHTS POLICY AND PROCEDURE

PURPOSE

Long Island University is committed to an environment free from discrimination, harassment, retaliation, and sexual misconduct. Discrimination or harassment based on race, color, national origin, ethnicity, shared ancestry, creed, religion, sex, sexual orientation, gender, gender identity or expression, pregnancy, age, disability, genetic information, marital status, familial status, military or veteran status, citizenship or immigration status, arrest or conviction record, domestic violence victim status, or any other basis protected by federal, state, or local law is unlawful and undermines the character and purpose of the University.

This Policy states what the University prohibits, how a person reports a concern, and how the University responds.

STATEMENT OF POLICY

This Policy applies to all members of the University community, including students, faculty, administrators, staff, applicants for admission, applicants for employment and volunteers. It also applies to vendors, contractors, visitors, and other third parties who interact with the University community.

This Policy applies to conduct that occurs on any University campus or property, at any University program or activity, and at any location over which the University exercises substantial control, including any building owned or controlled by a recognized student organization. It also applies to conduct that occurs off campus or online when that conduct has a continuing adverse effect on a person's participation in a university program or activity or creates a hostile environment on campus.

The University may investigate conduct that violates this Policy even in the absence of a complaint and will take remedial action where appropriate.

APPLICABLE LAW AND SCOPE OF COVERAGE

Different laws protect different people and cover different conduct. The table below identifies the source of the University's obligations for each category addressed in this Policy and the University official responsible for that category.

Legal Authority	Who Is Protected	What It Covers	Responsible University Official
Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d	Students, applicants for admission, and any person who takes part in or benefits from a university program or activity.	Race, color, and national origin, including discrimination and harassment based on shared ancestry or ethnic characteristics.	Title VI Coordinator
Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e	Employees and applicants for employment	Race, color, religion, sex, and national origin in hiring, firing, promotion, discipline, compensation, scheduling, training, and all other terms and conditions of employment.	Human Resources
New York State Human Rights Law, Executive Law Article 15	Employees, applicants, and people using places of public accommodation, including students at any LIU campus	Covers all classes protected by federal law and adds categories like age, marital status, sexual orientation, gender identity, and disability.	Human Resources
New York City Human Rights Law, NYC Administrative Code Title 8	Employees, applicants, and people using places of public accommodation, including students on the Brooklyn campus	Covers all classes protected by state law and adds categories like caregiver status, immigration status, and credit history.	Human Resources
Title IX of the Education Amendments of 1972 and New York Education Law Article 129-B	Students, employees, and participants in university programs and activities	Sex discrimination, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking	Title IX Coordinator
Section 504 of the Rehabilitation Act	Students, employees, and participants	Disability discrimination and reasonable accommodation.	Human Resources/Director of Benefits

Legal Authority	Who Is Protected	What It Covers	Responsible University Official
and the Americans with Disabilities Act			

Title VI of the Civil Rights Act of 1964
Title VI governs any program or activity that receives federal financial assistance. Because the University receives federal funding, Title VI applies to admissions, financial aid, academic programs, athletics, housing, and every other University administered program. Title VI prohibits discrimination based on race, color, or national origin.

Title VI protects students, applicants, and any other person who takes part in or benefits from a university program or activity. Title VI also prohibits discrimination and harassment based on shared ancestry or ethnic characteristics. This includes conduct directed at a person because of actual or perceived ancestry or ethnic identity. It is unlawful to intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with a right protected by Title VI, including the right to file a complaint, give testimony, or participate in an investigation.

Title VII of the Civil Rights Act of 1964
Title VII governs employment relationships. It prohibits discrimination in hiring, firing, promotion, discipline, compensation, scheduling, training, and every other term or condition of employment based on race, color, religion, sex, or national origin. Title VII protects University employees and applicants for employment. The Pregnancy Discrimination Act amended Title VII so that sex includes pregnancy, childbirth, and related medical conditions. Title VII also protects against hostile work environments where the conduct was severe or pervasive.

New York State Human Rights Law
The New York State Human Rights Law, codified in Executive Law Article 15, protects race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, familial status, marital status, and status as a victim of domestic violence. Conduct violates the New York State Human Rights law where it is more than what a reasonable victim of discrimination with the same protected characteristic would consider petty slights or trivial inconveniences.

New York City Human Rights Law
The New York City Human Rights Law, codified in Title 8 of the Administrative Code of the City of New York, governs the Brooklyn campus and any other University program, activity, or employment relationship with a sufficient connection to New York City.

The city law protects age, immigration or citizenship status, color, disability, gender including sexual harassment, gender identity, marital status and partnership status, national origin, pregnancy and lactation accommodation, race, religion or creed, height and weight, sexual orientation, and status as a veteran or active military service member. In employment, the city law adds arrest or conviction record, caregiver status, credit history, pre-employment marijuana testing, unemployment status, sexual and

reproductive health decisions, salary history, and status as a victim of domestic violence, stalking, and sex offenses.

Title IX and New York Education Law Article 129-B

The University complies with Title IX of the Education Amendments of 1972 and Article 129-B of the New York Education Law, both of which prohibit discrimination on the basis of sex in the University's educational programs and activities and prohibit retaliation for asserting or participating in claims of sex discrimination. The University does not discriminate on the basis of sex in the workplace or in any educational program or activity it operates. That requirement extends to admission and employment.

PROHIBITED CONDUCT

The following conduct violates this Policy and will not be tolerated.

Discrimination

Discrimination is adverse treatment of a person based on that person's actual or perceived membership in a protected class, rather than on the basis of individual merit. In employment, discrimination includes adverse treatment with respect to the terms, conditions, or privileges of employment, including hiring, firing, promoting, disciplining, scheduling, training, evaluating, or deciding how to compensate an employee. In education, discrimination includes excluding a person from participation in, denying a person the benefits of, or otherwise treating a person differently in any University program or activity, including admission, financial aid, academic programs, housing, and athletics.

Harassment

Harassment is a form of discrimination that occurs when verbal, physical, electronic, or other conduct based on a person's protected status interferes with that person's participation in a University program or activity, and either creates an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive, or where submitting to or rejecting the conduct is used as the basis for decisions affecting that person's participation in a University program or activity.

Harassment Based on Race, Color, National Origin, or Shared Ancestry

Harassment based on race, color, national origin, or shared ancestry violates this Policy and Title VI. Examples include slurs and epithets, graffiti or imagery targeting a racial, ethnic, or ancestral group, threats or intimidation directed at a person because of ancestry or ethnicity, exclusion of a person from an academic or co-curricular activity because of ancestry or ethnicity, and persistent derogatory comments about a person's national origin, accent, immigration status, or ancestral homeland.

The University applies this Policy consistently with its commitment to free inquiry, free expression, and academic freedom. Expression of a viewpoint, including a viewpoint that others find offensive, does not by itself constitute harassment. Conduct becomes harassment when it targets a person or group based on a protected characteristic and is sufficiently serious to limit or deny participation in a university program or activity.

Sexual and Gender Based Harassment

Sexual or gender-based harassment is harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, or the status of being transgender. This conduct may include unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or electronic conduct of a sexual nature that creates a hostile, intimidating, or abusive environment. It may also include verbal, physical, or electronic conduct based on a person's sex, gender, sexual orientation, or sex stereotyping that creates a hostile, intimidating, or abusive environment even where the conduct is not sexual in nature, and harassment for displaying what is perceived as a stereotypical characteristic for one's sex or for failing to conform to stereotypical notions of masculinity or femininity.

Sexual Misconduct

Sexual misconduct includes sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, and stalking. Sexual assault or sexual violence means trying to engage in or engaging in a sexual act with another person without that person's consent, or where that person is incapable of giving consent. This includes conduct that would be criminal under the New York Penal Law. 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 to suffer substantial emotional distress.

Retaliation

Retaliation is any adverse action, including threats, coercion, or intimidation, taken against a person because that person filed a complaint of discrimination or harassment with the University or a government agency, participated in the reporting, investigation, or resolution of an alleged violation of this Policy, opposed a policy, practice, or action the person reasonably believed violated this Policy, or requested a religious or disability accommodation. The University strictly prohibits retaliation and will investigate any report of retaliation.

CIVIL RIGHTS OFFICIALS

Title VI Coordinator

The University appointed a Title VI Coordinator to serve as the central point of contact for coordinating and overseeing the University's compliance with Title VI.

Role	Name	Email	Phone
Title VI Coordinator	Victor Rosa	Victor.Rosa@liu.edu	516-299-2591

The Title VI Coordinator is responsible for the following:

- Receiving and processing reports and complaints that may implicate Title VI.
- Offering supportive measures to any student who reports discrimination or harassment covered by Title VI.

- Notifying any student who reports conduct that may reasonably constitute discrimination or harassment under Title VI of the University's applicable policies and procedures.
- Ensuring that a process exists for the investigation and resolution of complaints.
- Issuing the annual notification.
- Developing and overseeing the annual training.
- Maintaining the records.
- Reviewing reports and complaints to identify and address patterns and to assess effects on the campus climate.
- Performing other relevant duties established by the University.

  The Title VI Coordinator may appoint one or more designees to help in carrying out these duties. A designee exercises the authority of the Title VI Coordinator with respect to the matters delegated, except where delegation would conflict with this Policy or with law.

Title IX Coordinator and Deputy Title IX Coordinators

The Title IX Coordinator has primary responsibility for coordinating the University's efforts to comply with Title IX and Article 129-B, and for responding to reports and complaints involving sexual misconduct.

Role	Name	Email	Phone
University Title IX Coordinator	Jean Conroy	Jean.Conroy@liu.edu	631-287-8301
Deputy Title IX Coordinator	Nick Savva	Nick.Savva@liu.edu	718-488-1613
Deputy Title IX Coordinator	Jean Anne Smith	JeanAnne.Smith@liu.edu	516-299-2480

The Title IX Coordinator also coordinates an annual climate survey and analyzes the resulting data, reviews all reports and complaints raising potential Title IX issues to confirm the University responded consistent with its obligations and to identify patterns, reviews University policies and procedures for compliance, maintains files related to grievances and reports in a secure manner, assesses the effectiveness of the University's policies and recommends modifications, consults with the administration and campus stakeholders to promote awareness, and ensures that appropriate protocols exist for working with local law enforcement and with survivor advocacy organizations and service providers.

Other Responsible Officials

Role	Responsibility	Contact
Director of Human Resources	Employment discrimination and harassment under Title VII, the New York State and City Human Rights Laws	Human Resources – visit LIU Website, physical locations or HR@LIU.edu
Director of Benefits	Reasonable accommodation for employees	Human Resources, Director of Benefits - visit LIU website, physical location or benefits@liu.edu
Office of the Dean of Students	Student conduct and student support	Student Support Services – visit LIU website, physical location or student-success@liu.edu
Department of Public Safety	Emergencies, crimes in progress, and immediate safety concerns	Public Safety - visit LIU Website or bkln-publicsafety@liu.edu; Post-PublicSafety@liu.edu
Section 504 and ADA Coordinator for Students	Disability discrimination and reasonable accommodation for students, including academic accommodations	Disability Support Services visit LIU website, physical location or student-success@liu.edu

REPORTING

Any person who believes they have been subjected to conduct prohibited by this Policy, and any person who witnesses such conduct, should report it. Reports may be made at any time. There is no deadline for making a report to the University, although the University's ability to investigate may be affected by the passage of time or by the departure of a party or witness.

Where to Report

Nature of the Concern	Where to Report	Contact
Race, color, national origin, ethnicity, or shared ancestry, involving a student or any participant in a university program	Title VI Coordinator	Victor Rosa, Victor.Rosa@liu.edu, 516-299-2591

Nature of the Concern	Where to Report	Contact
Sex discrimination, sexual harassment, or sexual misconduct, involving any person	Title IX Coordinator or a Deputy Title IX Coordinator	Jean Conroy, Jean.Conroy@liu.edu, 631-287-8301
Employment discrimination or harassment on any protected basis	Director of Human Resources	Human Resources – visit LIU Website, physical locations or HR@LIU.edu Phone: Brooklyn - 718-488-1011; Post - 516-299-2900
Disability discrimination or denial of accommodation	Director of Human Resources (employees), Dean of Students (Students)	Student Support Services, LIU website, physical location or student-success@liu.edu Phone 516-299-1200; OR Human Resources – visit LIU Website, physical locations or HR@LIU.edu; hone: Brooklyn - 718-488-1011; Post - 516-299-2900
Any other conduct prohibited by this Policy	Title VI and/or IX Coordinators, Human Resources, Dean of Students, or Ethics Point	Any University Official
Emergency or crime in progress	Department of Public Safety or 911	Public Safety; Brooklyn -718-488-1078; Post - 516-299-2222; Emergency 911

Any report sent to any official listed above is a report to the University. Where a report implicates more than one legal framework, the officials listed above will coordinate so that the reporting person is not required to repeat the report unnecessarily.

Anonymous Reporting

The University provides a system for anonymous reporting by telephone or online form. Employees, students, and visitors may access EthicsPoint by NAVEX Global, selecting "file a report" and entering Long Island University, or by calling 1-866-295-3143. The University's ability to respond to anonymous report may be limited by the information available.

Employees with a Duty to Report

University officers, deans, department heads, faculty members, directors, supervisors, and paraprofessionals are required to report incidents of conduct prohibited by this Policy that they witness or are informed about. Supervisory and managerial personnel must take all reasonable actions to report and respond to any report or observation of harassment or discrimination that may affect an employee's

working environment. A responsible employee must not pressure a complainant to request confidentiality and must not pressure a complainant to make a full report if the complainant is not ready to do so.

Confidential Resources

Professional and licensed counselors and pastoral counselors who provide mental health counseling to members of the University community, including those acting in that role under the supervision of a licensed counselor, are not required to report information about an incident to a Coordinator without the permission of the person disclosing.

A person who speaks only to a confidential resource should understand that the University may be unable to investigate the incident or pursue disciplinary action against a respondent. Confidential resources will still help that person in obtaining advocacy, academic support and accommodations, health and mental health services, and changes to living, working, or course schedules. A person who first requests confidentiality may later decide to file a complaint with the University or report to law enforcement. A person may contact the center for healthy living if they need support services, 516.299.3468, post-healthyliving@liu.edu, Post Hall, South Entrance, or Psychological Services Center**,** Pratt Building, Room 510; 718-488-1266; psc2021@liupsc.com.

Department of Public Safety

Campus	Phone	Location
Post	516-299-2222	Public Safety and Facilities Building, 1st Floor
Brooklyn	718-488-1078	LLC, Public Safety Entrance
Brentwood	631-451-4242	Office of Public Safety, North Cottage
Riverhead	631-451-4242	Office of Public Safety, Peconic Building, Room 119
Hudson	914-831-6911	Police Headquarters, CMFT Building, Basement Level

If a reporting individual is unsure whom to contact, that person or a university reporting entity should contact the LIU Post Department of Public Safety or the LIU Brooklyn Department of Public Safety at the numbers above. Both departments provide initial assistance twenty-four hours a day, every day of the year.

Reporting to Law Enforcement

All individuals are urged to report immediately to law enforcement any conduct that may constitute a crime. A person may report to the University, to law enforcement, to both, or to neither, and reports may be made simultaneously. The University will assist any person who wishes to make a report to law enforcement. The New York State Hotline for Sexual Assault and Domestic Violence is 1-800-942-6906.

External Reporting

Individuals have the right to pursue their complaint outside the University at the same time they pursue it internally. Several agencies handle these complaints.

Forum	Covers	Contact	Filing Deadline
U.S. Department of Education, Office for Civil Rights	Title VI, Title IX, and Section 504 complaints by students	New York Office: 32 Old Slip, 26th Floor, New York, NY 10005. 646-428-3900. OCR.NewYork@ed.gov. National: 800-421-3481, OCR@ed.gov	180 days from the alleged discrimination
U.S. Department of Justice, Civil Rights Division, Educational Opportunities Section	Title VI complaints in education	950 Pennsylvania Avenue NW, Washington, DC 20530. 202-514-4092 or 877-292-3804. education@usdoj.gov	No fixed deadline
U.S. Equal Employment Opportunity Commission	Title VII, ADEA, and ADA employment complaints	800-669-4000. eeoc.gov	Generally 300 days in New York
New York State Division of Human Rights	New York State Human Rights Law complaints	888-392-3644. dhr.ny.gov	Generally three years for discrimination complaints
State or federal court	Claims under federal, state, and local law	Consult private counsel	Varies by claim
Law enforcement	Conduct that may constitute a crime	See Section 7.5 and 7.6	Varies by offense

SUPPORTIVE MEASURES

When the Title VI Coordinator, the Title IX Coordinator, or a designee receives a report of conduct prohibited by this Policy, that official will promptly contact the Complainant, or the person who made the report if different, to offer supportive measures and to explain the process. Supportive measures are available with or without the filing of a Formal Complaint, and are offered without fee or charge. The official will consider the Complainant's wishes with respect to supportive measures.

Supportive measures are available to Complainants and Respondents and are available in matters

arising under Title VI as well as under Title IX. A student removed on an emergency basis will be given notice of the removal and an opportunity to challenge it. Where a Respondent is a member of the University community other than a student and presents a continuing threat to the health and safety of the community, the University may impose interim measures consistent with applicable collective bargaining agreements and University policy.

PROCEDURES FOR COMPLAINTS OTHER THAN TITLE IX SEXUAL HARASSMENT

This Section governs complaints of discrimination, harassment, and retaliation arising under Title VI, Title VII, the Americans with Disabilities Act, the New York State and City Human Rights Law, and any other basis covered by this Policy.

Assessment and Investigation

On receipt of a report, the official responsible will assess the report, offer supportive measures and determine whether the matter proceeds to investigation. The University may investigate conduct that violates this Policy even in the absence of a complaint. Where a report does not name a respondent, the University will still assess the report and take steps reasonably calculated to address it.

The University will conduct a prompt, thorough, and impartial investigation. The University will make every effort to complete the investigation although the time needed may vary with the complexity of the matter. The investigator will interview those who may have information regarding the incident. The investigator may also review relevant documents. The University will use its best efforts to keep the investigation confidential to the extent possible.

Findings and Outcome

At the conclusion of the investigation, the investigator will prepare a findings report summarizing the evidence collected and the conclusions drawn regarding whether the alleged conduct occurred and whether it violated this, Policy. A finding may result in no further action, a voluntary resolution appropriate to address the conduct without disciplinary action, or disciplinary action. The University will take immediate and appropriate remedial action. The standard of proof is a preponderance of the evidence, meaning whether it is more likely than not that the conduct occurred and that it violated this, Policy.

The University will notify the Complainant and the Respondent in writing that the investigation has concluded and whether the University found a violation of this Policy. The University decides the content, the level of detail, and the timing of that notice. The University will provide more information about the outcome, including information about remedial or disciplinary action, only where the University decides that disclosure is appropriate and only to the extent allowed by law, by applicable privacy obligations, and by any applicable collective bargaining agreement.

Where federal or state law requires the University to disclose specific information to a party, the University will provide that information.

Sanctions

For students, sanctions may include educational, restorative, rehabilitative, and punitive components.

Some behavior requires severe sanctions, including suspension or expulsion from the University.

For employees, corrective measures may include educational, restorative, or rehabilitative components, disciplinary action, or both. Some behavior is so egregious in nature, so harmful to the people involved, or so detrimental to the safety of the campus community that it requires severe disciplinary action, up to and including termination of employment. Discipline of an employee covered by a collective bargaining agreement will be administered consistent with that agreement.

Appeals
An appeal is available only where federal or state law requires the University to provide one. In all other matters, the determination of the investigator or other designated decision maker is final and is not subject to appeal. No appeal is available under this Section from a determination in a complaint alleging discrimination, harassment, or retaliation on any other basis, including a complaint arising under Title VI or Title VII, including its state and local human rights laws.

Closing a Complaint
Once all procedures are complete, including any appeal, the University will formally close the matter. All materials related to the complaint and the investigation will be documented and stored securely. The investigating office may conduct follow-up meetings with both parties to confirm that no further issues arise and that any necessary support is provided.

GRIEVANCE PROCEDURES FOR TITLE IX SEXUAL HARASSMENT

This Section governs Formal Complaints of sexual harassment under Title IX. A dismissal under Title IX is not necessarily a dismissal under University policy.

Response to a Complaint
On receipt of a Formal Complaint, or an informal report or complaint of sexual harassment, the Title IX Coordinator or a Deputy Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, which are available with or without the filing of a Formal Complaint, and will explain the process.

Notice to the Parties
Following receipt of a Formal Complaint or an informal report or complaint of sexual harassment, the Title IX Coordinator will give written notice to the parties known at the time. The notice will include the identities of the parties involved if known, the conduct allegedly constituting sexual harassment, the date, time, and location of the alleged incident if known, a statement that the Respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process, notice of the grievance process, notice that each party may have an advisor of their choice who may be but need not be an attorney and who may inspect and review evidence.

Role of the Advisor
The advisor's role is to advise the party who selected them. The advisor is not a participant in the process and is not a representative of the party before the University. Except as Section 10.8 requires at the live

hearing, an advisor may not speak on behalf of a party, provide a statement, answer a question directed to a party or to a witness, ask questions of the investigator, a party, or a witness, or object, argue, or address the investigator or a decision maker. The University applies these limits equally to both parties.

An advisor who does not observe these limits may be excluded from a meeting, interview, or proceeding. An advisor who receives evidence or the investigative report may use those materials only for the purpose of advising the party in this proceeding and may not disclose or disseminate them.

Investigation
The Title IX Coordinator will promptly investigate the allegations and will create an investigative report that fairly summarizes all relevant evidence. During the investigation, the Title IX Coordinator will gather evidence and will provide each party with the opportunity to present evidence and witnesses, including facts and expert witnesses.

Before a meeting or proceeding at which a party will be present, the Title IX Coordinator will give that party notice of the date, time, location, participants, and purpose, with sufficient time to prepare. Before completing the investigative report, the Title IX Coordinator will send the evidence obtained to each party and their advisors in electronic or hard copy format. The parties will have ten days to submit a written response, which the Title IX Coordinator will consider before completing the report.

Investigative Report
After collecting the evidence, the Title IX Coordinator will prepare an investigative report that fairly summarizes the relevant evidence and will send that report to each party at least ten days before a hearing, in electronic or hard copy format, for review and written response. The investigative report should be completed within ninety days of receipt of a Formal Complaint or an informal report or complaint of sexual harassment, unless the Title IX Coordinator informs the parties in writing that good cause exists for extending the time, including the reasons for the extension.

Dismissal
The University must dismiss a Formal Complaint under Title IX if the Title IX Coordinator determines that the allegations would not constitute sexual harassment even if proved, did not occur in a university program or activity, or did not occur against a person in the United States. The University may dismiss a Formal Complaint for purposes of Title IX if the Complainant requests to withdraw it, if the Respondent is no longer enrolled or employed by the University, or where specific circumstances prevent the gathering of evidence sufficient to reach a determination.

Standard of Proof
The hearing officer applies a preponderance of the evidence standard, meaning the hearing officer determines whether it is more likely than not that the alleged sexual misconduct occurred. The Respondent is presumed not responsible until a determination regarding responsibility is made.

The Hearing
At least ten days after the investigative report is provided to the parties, the University will hold a live hearing to determine responsibility. At the request of either party, the hearing will be conducted with the parties in separate rooms. Absent such a request, the hearing will take place in one room with the hearing officer and both parties present, unless the hearing officer determines that the hearing or a

portion of it should be conducted virtually. The hearing will be recorded by audio or audiovisual means, or transcribed, and the recording or transcript will be made available to the parties for inspection and review.

A hearing officer designated by the University will conduct the hearing. The hearing officer may not be the Title IX Coordinator or the investigator. Each party may bring an advisor of that party's choice. The hearing officer may have a legal or other advisor present, who may play no role other than advising the hearing officer. No person other than the hearing officer, the hearing officer's advisor, the parties' advisors, a witness providing testimony, and University personnel needed to operate the technology may be present.

Each party's advisor will be permitted to ask the other party and any witness all relevant questions and follow up questions, including questions challenging credibility. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice, and never by a party personally.

If a party does not have an advisor present at the hearing, the University will provide that party, without fee or charge, an advisor of the University's choice to conduct cross examination on that party's behalf. The advisor provided may be, but need not be, an attorney.

The hearing officer will ask questions and hear testimony from all witnesses, including the parties if they testify. The hearing officer determines whether a question is relevant and will exclude any question determined not to be relevant, explaining the reason.

Neither party is required to testify. If a party or witness does not testify or does not submit to cross examination, the hearing officer may not rely on any statement of that party or witness in reaching a determination regarding responsibility and may not draw an inference about the determination based solely on that person's absence or refusal to answer questions. Procedural questions not addressed by this Policy are within the discretion of the hearing officer.

Rights of the Parties

Throughout the process, each party has the right to participate in concurrent processes at the University and in the criminal justice system, to review and present available evidence in the case file consistent with University policy, to exclude that party's own prior sexual history and mental health or health diagnosis or treatment from the responsibility determination, to receive written or electronic notice of any meeting the party is required or eligible to attend and of the violations alleged and possible sanctions, to submit an impact statement, to be informed of the sanction and the rationale, to choose whether to disclose the outcome, and to have information from the process protected from public release. In the sanctioning phase, past findings against a party may be admissible.

Determination Regarding Responsibility

Within twenty days of the conclusion of the hearing, the hearing officer will issue a written determination regarding responsibility, provided to both parties simultaneously. Where the hearing officer determines that a violation occurred, the University will take prompt remedial action. The range of disciplinary sanctions appears in the Student Code of Conduct. Remedies may also include supportive measures.

The written determination will include identification of the allegations potentially constituting sexual harassment, a description of the procedural steps taken from receipt of the Formal Complaint through the determination including notifications to the parties, interviews, site visits, methods used to gather evidence, and hearings held, findings of fact supporting the determination, conclusions regarding the application of this Policy to the facts, a statement of and rationale for the result as to each allegation including any disciplinary sanctions and whether remedies will be provided to the Complainant, and notice of the procedures and permissible bases for appeal.

The written determination becomes final on the date the parties are provided with the written result of an appeal, or, if no appeal is filed, on the date an appeal would no longer be timely. If the results of an investigation or hearing show that a complainant knowingly filed a false accusation, or that a witness knowingly gave a false statement, that person will be subject to appropriate disciplinary action.

Appeals

Either party may appeal the outcome to an Appeals Officer, who will be a university administrator appointed by the University's Chief Operating Officer. Appeals are permitted only on the basis of a procedural irregularity that affected the outcome, new evidence that was not reasonably available at the time the determination was made and that could affect the outcome, or a conflict of interest or bias on the part of the Title IX Coordinator, the investigator, or the hearing officer that affected the outcome.

An appeal must be filed within fifteen days of receipt of the hearing officer's determination and must explain why one or more of the permitted bases applies. If a party files an appeal, the University will notify the other party in writing and give that party fifteen days to send a written statement supporting the determination or the sanctions. The University will decide the appeal within thirty days after receiving the other party's written statement, or, if no statement is submitted, within forty-five days of receipt of the appeal. The decision will be in writing, will state the outcome and the rationale, and will be provided to both parties simultaneously.

Requests for Confidentiality

Where a reporting individual discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation or disciplinary action be pursued, the University must weigh that request against its obligation to provide a safe, non-discriminatory environment for all students. The Title IX Coordinator evaluates such requests.

In weighing the request, the Title IX Coordinator considers the increased risk that the Respondent will commit additional acts of violence, including whether there have been other complaints about the same Respondent, whether the Respondent has a history of arrests or records from a prior school indicating a history of violence, whether the Respondent threatened further violence, whether the conduct was committed by multiple perpetrators, whether it was perpetrated with a weapon, whether the Complainant is a minor, whether the University possesses other means to obtain relevant evidence, and whether the report reveals a pattern of perpetration at a given location or by a particular group. The presence of one or more of these factors may lead the University to investigate. If none is present, the University will likely respect the request.

If the University determines that it cannot maintain confidentiality, it will inform the Complainant

before starting an investigation and will share information only with those responsible for the University's response. The University may not require a Complainant to take part in any investigation or disciplinary proceeding. The University will take ongoing steps to protect the Complainant from retaliation and will work with the Complainant to create a safety plan.

RELATED PROVISIONS

Amnesty

The health and safety of every student is of utmost importance. The University recognizes that students who have been drinking or using drugs, whether voluntarily or involuntarily, at the time prohibited conduct occurs may hesitate to report because they fear consequences for their own conduct. A bystander or reporting individual acting in good faith who discloses an incident of domestic violence, dating violence, stalking, or sexual assault to university officials or to law enforcement will not be subject to action under the Student Code of Conduct for a violation of alcohol or drug policies occurring at or near the time of the incident.

Transcript Notations

Article 129-B requires the University to make permanent or temporary notations on the transcripts of students found responsible for sexual assault, dating violence, domestic violence, or stalking. Where a student is expelled for sexual violence or another crime reportable under the Clery Act, the notation "Expelled after a finding of responsibility for a code of conduct violation" is added permanently. Where a student is temporarily suspended for such conduct, the notation "Suspended after a finding of responsibility for a code of conduct violation" is added. Where a student withdraws while disciplinary charges for such conduct are pending, the notation "Withdrawal with pending disciplinary action" is added.

A student may request removal of a notation by petitioning the Dean of Students in writing with the rationale for the request. The Dean of Students or a designee will provide a written response within sixty days of receipt. If the University vacates a finding of responsibility for any reason, the transcript notation will be removed.

Public Awareness Events

Public awareness events such as Take Back the Night, the Clothesline Project, candlelight vigils, protests, and survivor speak outs, at which students disclose incidents, are not considered notice to the University for purposes of triggering an obligation to investigate a particular incident. Such events may inform the need for campus wide education and prevention efforts, and the University will provide information about students' rights at these events.

Prevention and Education

The University maintains a proactive approach to prevention, education, and outreach. Programming includes bystander intervention training, educational sessions at freshman, transfer, and graduate orientation, and periodic training and programming throughout the year, delivered through a variety of methods including electronic delivery, printed materials, and pamphlets.

Clery Act Reporting
The University is obligated under the Clery Act and the annual reporting responsibilities of Campus Security Authorities to report incidents and to issue timely warnings as applicable to the University community.

Campus Sex Crimes Prevention Act
The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to inform the campus community where to obtain law enforcement agency information concerning registered sex offenders. It also requires registered sex offenders to provide notice of each institution of higher education in the state at which the person is employed, carries on a vocation, volunteers, or is a student. The New York State Division of Criminal Justice Services maintains the state Sex Offender Registry, available at 800-262-3257 or at criminaljustice.ny.gov/nsor.

RIGHTS AND EXTERNAL REMEDIES

Nothing in this Policy limits a person's right to pursue a remedy outside the University. A person may file a complaint with an external agency or in court at any time, whether that person has filed a complaint with the University and whether the University has completed its process. Filing with the University does not extend any external deadline.

ANNUAL NOTIFICATION

The Title VI Coordinator will notify all students and all employees, each academic year, of the University's policies and procedures for reporting discrimination and harassment. The annual notification will include the following:

- The University's non-discrimination policy statement.
- Website links to all University policies and procedures for reporting discrimination and harassment.
- The contact information of the Title VI Coordinator.
- Any other information the Title VI Coordinator and the University consider necessary.

The University will issue the annual notification at the start of each fall term, beginning with the 2026-2027 academic year. The Title VI Coordinator is responsible for issuing the notification and for recording the date issued and the recipients. The University will also maintain a Title VI webpage containing the Coordinator's contact information, this Policy, and the reporting form.

TRAINING

Annual Training for Students and Employees
The University will deliver training on Title VI to all students and all employees annually, beginning with

the 2026-2027 academic year and each academic year thereafter. The University will deliver either the model training developed by the New York State Division of Human Rights or an institutionally developed equivalent that satisfies every element of the State's equivalency requirements.

Training for students will be delivered as part of onboarding. Training for employees will be administered at the beginning of each academic year for new and returning employees. All employees must complete Harassment and Discrimination Prevention training on an annual basis. New employees will receive an email with a link to the training and must complete the training no later than their first day of employment.

Training for the Title VI Coordinator and Designees

The Title VI Coordinator and all designees will be trained in their duties and responsibilities under this Policy. This training is separate from the training described in Section 14.1 and is a condition of holding the role.

RECORDKEEPING

The Title VI and IX Coordinators are responsible for recordkeeping related to reports and complaints of discrimination and harassment, in accordance with applicable state and federal law. The records maintained include the following:

- All records related to the assessment of reports.
- All records documenting the actions the University took to meet its obligations.
- All records of training attendance and training materials.
- All records of the annual notification, including the date issued and the recipients.

Records under this Policy are retained in accordance with the University's records retention schedule. Student conduct records are retained by the Dean of Student Affairs or a designee in accordance with the Family Educational Rights and Privacy Act and University policy. Most student conduct records are retained for seven years. The University reserves the right to retain student conduct files permanently. Records that have been successfully appealed, or where the student was exonerated of the charges, are excepted.

POLICY ADMINISTRATION

The University will review this Policy at least annually. The Title VI Coordinator and the Title IX Coordinator will jointly assess whether this Policy and its procedures continue to comply with applicable law and will recommend modifications where appropriate.

DEFINITIONS

Term	Definition
Affirmative Consent	A knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent may 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 does not by itself show consent. Consent to one sexual act or to prior sexual activity does not constitute consent to any other sexual act. Consent cannot be given when a person is incapacitated, and cannot be given as the result of coercion, intimidation, force, or threat of harm.
Complainant	A person who is alleged to have experienced conduct that could violate this Policy.
Dating Violence	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, determined by the length, type, and frequency of the relationship. Dating violence includes sexual or physical abuse and the threat of such abuse, and does not include acts covered by the definition of domestic violence.
Domestic Violence	A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person cohabitating with or who has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse under applicable domestic or family violence law, or by any other person against a victim protected from that person's acts under applicable domestic or family violence law.
Formal Complaint	A document filed by a Complainant or signed by the Title VI Coordinator or the Title IX Coordinator, alleging conduct prohibited by this Policy and requesting that the University investigate.
Respondent	A person alleged to have engaged in conduct that could violate this Policy.
University Program or Activity	Locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the conduct occurs, including any building owned or controlled by a student organization officially recognized by the University.
Hostile Environment	Conduct based on a protected characteristic that is sufficiently serious that it limits or denies a person’s ability to participate in or benefit from a University program or activity. The University evaluates the conduct from the perspective of a reasonable person in the complainant’s position, considering all circumstances including the frequency, nature, and severity of the conduct, whether it was physically threatening, and the relationship between the parties. A hostile environment may exist whether or not a respondent is identified.

Term	Definition
Supportive Measures	Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or a Respondent, before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are described in Section 7.

POLICY TYPE: OPERATIONS