1. Introduction and Notice of Nondiscrimination

Molloy College (the “College” or “Molloy”) is committed to a learning, working and living environment where all members of the community feel safe and respected. In accordance with Title IX of the Education Amendments of 1972 (“Title IX”), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by the Violence Against Women Act/Campus Sexual Violence Act (the “Campus SaVE Act”), Article 129-B of the New York State Education Law, the New York Labor Law, the New York State Human Rights Law, Title VII of the Civil Rights Act of 1964, and the New York City Stop Sexual Harassment Act, the College is committed to providing a safe community, free from all forms of sex discrimination, including sexual misconduct. In accordance with Title IX, the College does not discriminate on the basis of sex in its education programs and activities. Under Title IX, discrimination on the basis of sex includes sexual harassment and sexual violence.

The College will not tolerate any form of sexual misconduct. Sexual harassment and sexual violence, including the offenses of rape, sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking are all forms of sexual misconduct and are strictly prohibited by the College. Sexual misconduct can occur between strangers, acquaintances, or people who know each other well, including those who are involved in an intimate or sexual relationship, and can be committed by anyone regardless of sex, gender, or gender identity. Any member of the Molloy community who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including dismissal or termination.

This policy (the “Policy”) aims to ensure that all members of the Molloy community can study and work together without being subjected to sexual misconduct. In this Policy, the term "Molloy community" is used to refer to faculty, staff, students, and others affiliated with the College by reason of employment (“covered non-employees”) or education, regardless of immigration status. Despite the gendered nature of its language, this Policy is inclusive of all members of the Molloy community. The purpose of this Policy is twofold: first, to establish clear procedures for the handling of sexual misconduct allegations, and second, to educate the Molloy community with respect to
the limits of acceptable conduct. This Policy explains Molloy’s approach to investigating, adjudicating and disciplining acts of sexual misconduct, and is part of Molloy’s commitment to a discrimination-free learning and work environment.

Sexual harassment is against the law. Any community member who believes that he or she has been the victim of sexual misconduct is encouraged to report it immediately. The College has designated the following individuals to receive complaints of sexual misconduct:

Lisa Miller
Director of Human Resources and Title IX Coordinator
1000 Hempstead Avenue
Kellenberg Hall, Room K-112
Rockville Centre, New York 11571
(516) 323-3046
lmiller@molloy.edu

Deputy Title IX Coordinators:
- Michael Grasso, 323-3602
- Marion Flomenhaft, 323-3023

Questions regarding Title IX, the Campus SaVE Act and/or Article 129-B of the New York State Education Law may be referred to the College’s Title IX Coordinator. Questions concerning Title IX may also be referred to the Assistant Secretary of the Office for Civil Rights (“OCR”), U.S. Department of Education, 400 Maryland Avenue, SW Washington, DC 20202-1100, or directed to the OCR main numbers at (800) 421-3481 FREE, TDD or (800) 877-8339 FREE, or directed to the OCR’s New York office email at ocr.newyork@ed.gov or telephone number at (646) 428-3800.

2. The Title IX Coordinator

Lisa Miller
Director of Human Resources and Title IX Coordinator 1000 Hempstead Avenue
Kellenberg Hall, Room K-112
Rockville Centre,
New York 11571 (516)
323-3046
lmiller@molloy.edu

The Title IX Coordinator’s primary responsibility is to coordinate the College’s compliance with Title IX including, but not limited to, overseeing the College’s response to complaints of sexual misconduct. The Title IX Coordinator is responsible for directing and managing the investigations of complaints of sexual misconduct, identifying and addressing any patterns or systemic problems of sexual misconduct.
that arise during the investigation of a complaint, and assessing the effects of sexual misconduct on the campus climate.

3. Scope of the Policy

This Policy applies to all allegations of sexual misconduct involving members of the Molloy community, and to such individuals regardless of sex, race, national origin, disability, sexual orientation, gender identity, or other protected status. To the extent practicable, this Policy applies to visitors and third parties. A third party is someone who is on campus or participating in a College-sponsored program, activity or event and is within the College’s control.

This Policy governs conduct that occurs on any part of Molloy’s campus or property. It also applies when any member of the Molloy community travels off-campus as part of a College activity, team, organization or event. This Policy also covers conduct that takes place off-campus that has a reasonable connection to the College and has a continuing effect on campus or in an off-campus education program or activity. Calls, texts, emails, and social media usage by members of the Molloy community can constitute unlawful workplace harassment, even if they occur away from the campus, on personal devices, or during non-work hours.

This Policy supersedes any other College policy to the extent that such policy applies to sexual misconduct or sex discrimination. Complaints of discrimination or harassment that do not involve sexual misconduct are governed by the College’s Non-Discrimination and Anti-Harassment Policy. For more information on the College’s Non-Discrimination and Anti-Harassment Policy, please contact the Title IX Coordinator.

An individual, who, in good faith, brings a reasonable complaint of a suspected violation of this Policy, even if it may be found to be erroneous, will not be subject to discipline. However, the use of this Policy for false, malicious, or frivolous purposes is strictly prohibited. Anyone who knowingly brings a false, malicious, or frivolous complaint against another Molloy community member may be subject to disciplinary action.

4. Students’ Bill of Rights

All Students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the investigation and hearing process and/or criminal justice process free from pressure from the College;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the College courteous, fair, and
5. Timeframe for Making a Complaint

Preventing sexual harassment is everyone’s responsibility. The College cannot prevent or remedy sexual harassment unless it knows about it. Any member of the Molloy community who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Title IX Coordinator, or to a supervisor or manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior immediately. Reports of sexual harassment may be made verbally or in writing.

There is no time limit for reporting sexual misconduct to the College under this Policy; however, the passage of time may make it difficult or even impossible to conduct a thorough and reliable investigation of the incident. Therefore, members of the Molloy community are encouraged to make a report as soon as possible after the incident has occurred.

Under no circumstances will the College allow an impending graduation to compromise its resolution of a sexual misconduct complaint. The conferral of a degree may, therefore, be withheld, if necessary, until proper resolution of any sexual misconduct charges, provided that a hearing opportunity will be scheduled for the earliest practicable date that can accommodate the parties and their witnesses.

While the time to resolve a reported incident will vary from case to case, depending on the specific facts and circumstances, it is expected that in most cases complaints will be resolved within 60 days, excluding appeals. If the process will take longer than 60 days, both the complainant and the respondent will be notified in writing as to the delay and the reason for the delay.
6. Definitions Within the Policy

- **Bystander** means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior or conduct that is in violation of rules or policies of the College.

- **Complainant** means the individual making the allegation(s) of sexual misconduct.

- **Confidentiality** may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. § 1092(f) and 20 U.S.C. § 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

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

The following six principles, along with the above definition, will be used to evaluate whether affirmative consent was given:

1. Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or by being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.
- **Covered Non-Employees** include all applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the College. A covered non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Covered non-employees include persons commonly referred to as independent contractors, “gig” workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services provided pursuant to a contract with Molloy.

- **Dating Violence** means violence or coercive behavior committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual, physical, or psychological abuse, or the threat of such abuse.

- **Domestic Violence** means felony or misdemeanor crimes 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 in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of New York, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.

- **Force** means using physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance. The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact, and is prohibited.

- **Incapacitation** occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by a lack of consciousness or by being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

- **Intimidation** means implied threats that reasonably cause another to fear for his/her safety or well-being.
• **No Contact Order** means a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party.

• **Privacy** may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual more than necessary to comply with applicable laws or College policy.

• **Reporting Individual** shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by the College to reference an individual who brings forth a report of a violation.

• **Respondent** means the individual alleged to have committed acts constituting sexual misconduct, regardless of whether such individual has entered into the College’s conduct process for responding to complaints of sexual misconduct described herein.

• **Retaliation** means taking any adverse action or attempting to take adverse action against a person for making a good faith report of sexual misconduct or participating in any proceeding under this Policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s complaint of sexual misconduct or participation in an investigation or proceeding related to alleged sexual misconduct.

• **Sexual Activity** includes any “sexual act” or “sexual contact.”
  o A “sexual act” means (a) contact between the penis and vulva or the penis and the anus where penetration occurs, however slight; (b) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (c) the penetration, however slight of the anal or genital opening of another by hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or (d) the intentional touching, not through the clothing of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;
  o “Sexual contact” means the intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

• **Sexual Assault** includes “non-consensual sexual intercourse” and “non-consensual sexual contact.”
  o “Non-consensual sexual intercourse” means any form of sexual penetration or intercourse (vaginal, anal, or oral), however slight, with
any object by an individual upon another individual without consent and/or by force. Intercourse means: vaginal or anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

- “Non-consensual sexual contact” means any intentional sexual touching, however slight, with any body part or object by an individual upon another individual without consent. Intentional sexual contact includes contact with the breasts, buttocks, or groin, or touching another with any of these body parts; making another person touch any of these body parts; and any intentional bodily contact in a sexual manner.

- **Sexual Coercion** is the application of unreasonable pressure, including emotionally or physically manipulative actions or statements, or direct or implied threats, in order to compel the person to engage in sexual activity.

- **Sexual Exploitation** means abuse or exploitation of another person’s sexuality without consent, for the perpetrators own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation include:
  - Causing or attempting to cause the incapacitation of another person for purposes of compromising that person’s ability to give Affirmative Consent to the sexual activity;
  - Causing the prostitution of another person;
  - Electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person without the person’s consent;
  - Disseminating or posting images of private sexual activity;
  - Engaging in voyeurism;
  - Distributing intimate or sexual information about another person; and/or
  - Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual’s knowledge.

- **Sexual Harassment** is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. It is defined as “unwelcome conduct” of a sexual nature, including but not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic standing, status in a program, course or activity; or
  - Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting an individual or for academic evaluation, grades or advancement; or
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Such conduct is sufficiently pervasive, offensive or abusive to have the purpose or reasonable effect of interfering with an individual’s work or educational performance, or creating an intimidating, hostile, or offensive work or educational environment.

Sexual harassment may consist of, but is not limited to, any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, cause the recipient discomfort or humiliation, or interfere with the recipient’s educational or work performance.

The following acts are some examples of behaviors that may constitute sexual harassment:

- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target’s educational or job performance evaluation, a promotion or other educational or employment benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.

- Sexual or discriminatory displays or publications anywhere in the educational or workplace environment, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes, but is not limited to, such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace, whether in hard copy or digital form.

- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person’s property or otherwise interfering with the individual’s ability to learn or perform his/her job;
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- Sabotaging an individual’s work;
- Bullying, yelling, name-calling.

- **Quid Pro Quo Harassment** refers to sexual harassment that occurs when a person in authority tries to trade educational or employment benefits for sexual favors. This can include, but is not limited to, hiring, promotion, continued employment or any other terms, conditions or privileges of employment.

- **A Hostile Environment** exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the College’s education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including, but not limited to:
  - The frequency, nature and severity of the conduct;
  - Whether the conduct was physically threatening;
  - The effect of the conduct on the complainant’s mental or emotional state;
  - Whether the conduct was directed at more than one person;
  - Whether the conduct arose in the context of other discriminatory conduct;
  - Whether the conduct unreasonably interfered with the complainant’s educational or work performance and/or College programs or activities; and
  - Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment may consist of, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex.

- The effect of the conduct will be evaluated based upon the perspective of a reasonable person in the position of the complainant. **Unwelcome Conduct** is considered conduct to be undesirable or offensive to the individual if that person did not request, consent to, or invite the particular conduct.

- **Sexual Misconduct** is a broad term that encompasses a wide range of prohibited behaviors of a sexual nature that is committed without consent or by intimidation, coercion, threat or force. Sexual Misconduct includes, but is not limited to, sexual assault, sexual coercion, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking. Physical acts of a sexual nature include, but are not limited to, touching, pinching, patting, kissing, hugging, grabbing, or brushing up against the body of another.

- **Sexual Violence** refers to a sexual act perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts
fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

- **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. For purpose of this definition:
  
  o “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  
  o “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  
  o “Reasonable person” means a person under similar circumstances and with similar identities to the victim.

The College prohibits any member of the Molloy community from stalking other members of the community. When a person is told to discontinue whatever activity they are engaged in, and this activity continues, the person so warned may be expelled, suspended, terminated, and/or not be permitted to be on College property or at Molloy functions.

Conduct that violates the College policy may also violate New York State laws and subject the respondent to criminal prosecution. Sex Offenses under New York law are described in Sections 130.0 to 130.96 of the New York State Penal Code, available at [http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO](http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO).

7. **Advisors**

Throughout the resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person who is not otherwise a party or witness involved in the investigation. The choice of whether or not to invite an advisor is solely that of the complainant and respondent. At the complainant’s request or at the respondent’s request, the Title IX Coordinator can appoint the requesting party an advisor who has been formally trained. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a complaint under this Policy. Advisors cannot actively participate or speak on behalf of the complainant or respondent. If any advisor’s conduct is not consistent with these guidelines, he or she may be excluded from the conduct process.
The Title IX Coordinator must be advised in writing that an advisor will be present at least 24 hours before any scheduled meeting, hearing, or proceeding. This notification must include: (1) the full name and title of the advisor of choice; and (2) contact information for the advisor of choice (phone, email, and address). The College reserves the right to have its own legal counsel present at any meeting or proceeding related to the investigation and resolution of a complaint under this Policy.

8. Limitation on Consensual Relationship

In order to protect the integrity of the academic and work environment, this Policy places limitations on consensual romantic or sexual relationships between and among faculty, staff, and students. When individuals are involved in a consensual romantic or sexual relationship and are in positions of unequal authority or power, there is the potential for a conflict of interest, favoritism, and exploitation of power. Anyone with supervisory authority or evaluative, mentoring authority who controls or influences another person’s employment, academic advancement, extracurricular or athletic team participation, scholarship or financial support, grades, recommendations, wage status, or promotion at the College should not be in a romantic or sexual relationship with that person regardless of consent. If anyone is promoted into a position that results in a conflict with this Policy limiting consensual relationships, this information must be reported to a supervisor, Vice President, or the Director of Human Resources for assistance in resolving the conflict.

9. Anti-Retaliation Policy

The College prohibits retaliation against any person who reports sexual misconduct or participates in the investigation of any allegation of sexual misconduct, including participation as a witness. Any member of the College community or third party who attempts, either directly or indirectly, to intimidate, threaten, retaliate, interfere with, restrain, coerce, discriminate against, violate a College No Contact Order, subject a person to an adverse employment action (e.g., counseling, suspension, termination), or harass any person for reporting, attempting to report, or responsibly pursuing a complaint will be subject to prompt and appropriate disciplinary action, including possible termination or expulsion from the College.

Retaliation should be reported promptly to the College’s Title IX Coordinator. Reports of retaliation will be investigated in accordance with the appropriate College policy, and such conduct may result in disciplinary action independent of the sanction(s) or interim measures imposed in response to the underlying allegations of sexual misconduct.

Employee and covered non-employees working in the workplace who believe he/she has been subject to such retaliation may also seek compensation in other available forums, as explained in Appendix B to this Policy.
10. Resources for Victims of Sexual Misconduct

There is a wide range of resources for all students and employees to provide support and guidance in response to any incident of sexual misconduct or prohibited conduct.

A. Immediate Medical Assistance and Counseling

If you or someone you know is or may be the victim of any form of sexual misconduct, the College strongly urges you to seek immediate assistance. This is the best way to ensure that the complainant receives appropriate medical care and emotional support. Assistance is available 24 hours a day, 7 days a week, from:

- Local Police and Emergency Assistance - Call 911
- Local hospitals – Call 911 or Campus Security to obtain contact information
- SAFE Center LI – 1-516-542-0404
- Safe Horizon Rape and Sexual Assault Hotline - (866) 689-HELP (4357)
- Safe Horizon Domestic Violence Hotline - (800) 621-HOPE (4673)
- New York State Office of Victim Services Toll Free Number – (800) 247-8035
- Mercy Medical Center, 1000 N Village Ave, Rockville Centre, NY 11570, (516) 705-2525

Off-Campus – 24/7 Confidential Hotlines:

- SAFE Center LI – 1-516-542-0404
- RAPE Crisis Hotline 914-345-9111
- Safe Horizon Rape and Sexual Assault Hotline - (866) 689-HELP (4357)
- Safe Horizon Domestic Violence Hotline - (800) 621-HOPE (4673)
- Gay & Lesbian Anti-Violence Project 212-714-1141

B. Sexual Assault Forensic Examiners

In instances involving physical injury or sexual assault, the College strongly encourages the complainant to obtain a medical examination to determine the extent of injuries. It is also important to understand that physical evidence collected in a rape examination (i.e., a rape kit) is a way to preserve evidence should anyone want to pursue criminal charges with the police or a local prosecutor at a later time. A hospital, with the complainant’s permission, will collect physical evidence in a sexual offense evidence collection kit. Sexual Assault Forensic Examiners (SAFE) are considered the best and most appropriate medical professionals to conduct such an examination. The following hospital employs SAFE: Nassau University Medical Center, 2201 Hempstead Turnpike, East Meadow, NY 11554, (516) 572-0123.
Emergency Room advocacy is available in Nassau County for all victims, at any age, of rape, sexual assault and domestic violence. Trained advocates are available to meet sexual assault and domestic violence victims at all hospitals in Nassau County to offer crisis intervention, counseling, support, information and assistance while accompanying the victim as they undergo their medical procedures. This 24 hour, free and confidential service can be accessed by calling the hotline at 516-542-0404.

The advocate can provide information about the health concerns and examinations, criminal justice system and trauma services. The advocate can also assist in linking the victims to on-going assistance.

C. College Counseling Resources

Regardless of whether or not an official complaint of sexual misconduct is made, various counseling options are available from the College.

- Campus Ministry’s
  Office 1000
  Hempstead Avenue
  Public Square,
  Room 390
  Rockville Centre, New York 11571-5002 Phone: 516-323-3224

- College Health
  Services 1000
  Hempstead Avenue
  Kellenberg Hall,
  Room 310
  Rockville Centre, New York 11571-5002 Phone: 516-323-3467
  Fax: 516-323-3476

11. Confidentiality

Molloy understands that complainants may wish to talk about the incident with the assurance that the discussion will be confidential. Even if a person does not ask for confidentiality, these matters are considered private and are shared with a limited number of employees who have a “need to know” and are responsible for the College’s response, including taking appropriate steps to respond to the incident, to support complainants, respondents, and witnesses, and to resolve the matter promptly and fairly. To the extent practicable and appropriate under the circumstances, investigatory and resolution procedures, including appeal procedures, shall be held in confidence to reasonably insure the privacy of the parties concerned and to offer as much protection as reasonably possible to the parties involved.
A. **Professional and Pastoral Counselors**

The College understands that, for many complainants, confidentiality is a primary concern. The ability of College employees to maintain confidentiality is as follows:

**Professional Counselors:** A professional, licensed counselor whose official responsibilities include providing mental health counseling to the Molloy community, including one who acts in the role of providing mental health counseling under the supervision of a licensed counselor, is not required to report to the Title IX Coordinator without a complainant’s permission any information about an incident of sexual misconduct disclosed while acting within the scope of his/her license or certification. The following is a list of the College’s professional counselors:

Talita Ferrara, M.S.,
L.M.H.C. 1000
Hempstead Avenue
Kellenberg Hall, Room 207
Rockville Centre, New York 11571-5002 Phone: 516-323-3466
Email: rlorenzo@molloy.edu

Kathryn Asting,
M.S.W 1000
Hempstead Avenue
Kellenberg Hall,
Room 207
Rockville Centre, New York 11571-5002 Phone: 516-323-3466
Email: rlorenzo@molloy.edu

State law requires professional counselors to report: (i) when a patient is likely to engage in conduct that would result in serious harm to the patient or to others; or (ii) if there is reasonable cause to suspect that a minor has been sexually abused.

**Pastoral Counselors:** A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition. A pastoral counselor is not required to report incidents of sexual misconduct to the Title IX Coordinator without a complainant’s permission. However, a pastoral counselor acting in some other manner, such as a faculty member, would not be exempt from the reporting obligations. The following is a list of the College’s pastoral counselors:
B. Responsible Employees: Mandatory Reporting

A responsible employee is a College employee who has the authority to take action to redress sexual misconduct; who has been given the duty of reporting incidents of sexual misconduct or any other misconduct by employees or students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. This definition encompasses virtually every College employee, including all faculty, staff and administrators, except those who are acting as pastoral and professional counselors and non-professional counselors and advocates.

A responsible employee must report all relevant details (obtained directly or indirectly) about the alleged sexual misconduct to the Title IX Coordinator. Such information includes dates, times, locations, and names of parties and witnesses. It is imperative that responsible employees inform the Title IX Coordinator of all incidents of sexual misconduct. *If you are a College employee and are unsure whether or not information MUST be reported, please call the Title IX Coordinator, who will assist you with the proper next steps.*

Even College officers and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX coordinator to investigate and/or seek a resolution.

The Family Educational Rights and Privacy Act (“FERPA”) allows a College to share information with an individual’s parents if there is a health or safety emergency or if the individual is listed as a dependent on either parent’s prior year federal tax income form.

However, the College will generally not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the complainant’s permission.

C. Requests for Confidentiality

The College endeavors to respect and follow the wishes of an individual who brings...
forward a sexual misconduct complaint. However, complainants should understand that Molloy may have ethical and legal obligations to investigate, attempt to resolve, or adjudicate incidents of sexual misconduct that come to its attention. Therefore, depending on the circumstances, it may not be possible to honor a request for confidentiality while still providing a safe, nondiscriminatory environment for all members of the Molloy community. The Title IX Coordinator is designated to evaluate requests for confidentiality.

When determining whether the complainant’s request for confidentiality can be honored, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- Whether there have been other sexual misconduct complaints about the same respondent;
- Whether there is an increased risk that the respondent will commit additional acts of violence;
- Whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
- Whether the College has other means to obtain relevant evidence (e.g., security cameras or personal, physical evidence);
- Whether the incident represents an escalation in unlawful conduct on behalf of the respondent from previously noted behavior;
- Whether the sexual misconduct was committed by multiple respondents;
- Whether the complainant’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- Whether the alleged sexual misconduct was perpetrated with a weapon; and
- The age of the complainant.

If, after considering these factors, the College determines that an investigation is required, the College will inform the complainant and take immediate action necessary to protect and assist the complainant. The College will take all reasonable steps to investigate and respond to the complaint while maintaining the complainant’s privacy to the greatest extent possible. For all reports of sexual misconduct, the College will consider broader remedial action, such as increased monitoring, supervision of security at locations where the reported sexual misconduct occurred, increasing training, education and prevention efforts, and administration of climate surveys.

**D. Anonymous Reporting**

If the College receives a report of alleged sexual misconduct by someone other than the complainant (e.g., friend or roommate) or from an anonymous source, the College’s Title IX Coordinator will promptly notify the complainant of the report, and inform him/her of the available resources and assistance. In cases in which a report is made anonymously, this Policy will apply in the same manner as if the complainant had made the initial report.
E. **Sexual Assault Public Awareness Events**

The College will not begin an investigation based on information that a person chooses to share during public awareness events that are designed and intended to be safe spaces for complainants to share experiences. These events could include candlelight vigils, “Take Back the Night,” protests, or other public events. The College may decide, however, to use the information learned at such an event to inform its efforts for additional education and prevention efforts.

F. **Clergy Reporting**

When reporting crimes for the purposes of Clery Act compliance, the College will not release identifying information of the complainant. The Clery Act also requires the College to issue timely warnings to the College community about certain crimes that have been reported and may continue to pose a serious or continuing threat to the campus community. Consistent with the Clery Act, the College will withhold the names and personal identifying information of the reporting individual when issuing such timely warnings.

12. **College Amnesty Policy**

The health and safety of every student at the College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith or Reporting Individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will be not be subject to discipline pursuant to the procedure outlined in the Student Handbook for violations of alcohol and/or drug use policies occurring at or near the time of the domestic violence, dating violence, stalking or sexual assault.

Student Personal Counseling 1000 Hempstead Avenue Kellenberg Hall, Room 207 Rockville Centre, New York 11571-5002 Phone: 516-323-3484

- Crime Victim’s Hotline 212-577-7777
- New York State Domestic Violence Hotline (800) 942-6906
- New York State Office of Victim Services (800) 247-8035 or www.ovs.ny.gov
13. Reporting Procedures

There are multiple ways to report prohibited conduct.

A. Law Enforcement Notification

If you are the victim of sexual misconduct, the College strongly encourages you to promptly report the incident to the police. Contacting law enforcement will ensure the preservation of evidence and facilitate a timely investigation and response. College representatives are available to assist you in notifying law enforcement of an incident of sexual misconduct and in contacting law enforcement or legal service organizations to learn about these remedies. Except in instances where the victim is under the age of 18, the College will respect a victim’s decision regarding whether or not to report an incident to local law enforcement. Where an incident involves the suspected abuse of a minor, certain individuals at the College may have an obligation to report to law enforcement under New York State Law.

A person may report an incident to either the police or the College or to both simultaneously. The College’s complaint resolution procedures and the criminal justice system work independently from one another and law enforcement officials do not determine whether a violation of this Policy has occurred.

B. Effect of Criminal Proceedings

Sexual misconduct may constitute a violation of both state law and College policy. The College’s definition of sexual misconduct, its process, and its standard of proof for a finding of responsibility for sexual misconduct differ from the standards for finding a violation of criminal law. Therefore, criminal investigations or reports are not determinative of whether sexual misconduct under this Policy has occurred. In other words, conduct may constitute sexual misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute. Additionally, a law enforcement determination of whether or not to prosecute a respondent is not determinative of whether the College will conduct an investigation under Title IX.

The filing of a complaint of sexual misconduct under this Policy is independent of any criminal investigation or proceeding. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim measures to protect the complainant and the College community. However, the College may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual misconduct matters that may also violate the state criminal code.
C. **College Notification**

An individual who feels that he or she has been the victim of sexual misconduct may go directly to the Title IX Coordinator or Deputy Title IX Coordinators to make a report of an incident.

An individual making a report will have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault. These personnel shall be available upon the first instance of disclosure to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible.

When the College receives a report from a student that he or she has been the victim of sexual misconduct, including dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the College will provide the Reporting Individual with a written explanation of his or her rights and options. The College will provide the Reporting Individual with written notification regarding existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid and other services available for victims both within the College and in the community. If the Reporting Individual is not the complainant, and the identity of the complainant is made known to the College, the College will provide such written notification to the complainant.

14. **Protective and Remedial Measures**

Remedial and protective measures are available regardless of whether a complainant pursues a complaint or investigation under this Policy. When the College receives a report of alleged sexual misconduct, the College will take immediate steps to protect the complainant, other affected parties, and the Molloy community.

A. **Interim Measures**

Any individual who has been the victim of sexual misconduct may request assistance in changing academic, living, transportation, and working situations, as applicable. These interim measures may also include issuance of a No Contact Order, changes in academic, extracurricular, housing, dining, employment, transportation, or other applicable arrangements.

Requests for accommodations in connection with incidents of sexual misconduct should be made in writing to the College’s Title IX Coordinator. The College will grant such accommodations, provided they are reasonable and available, regardless of whether the complainant chooses to report the crime to law enforcement. When taking such interim measures and/or steps to separate the complainant and the respondent, the College will, to the extent practical, minimize the burden on the complainant. The College will provide information about the request for accommodations only to those having a need to know such information in order to implement the accommodations.
The respondent and/or the complainant will, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim measure, including potential modification. The respondent and/or complainant will be allowed to submit evidence in support of his or her request. Violation(s) of the Title IX Coordinator’s directives and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

B. No Contact Order

The College may impose a No Contact Order, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, pending the investigation and, if applicable, the hearing. If the complainant and respondent observe each other in a public place, it shall be the responsibility of the respondent to leave the area immediately and without directly contacting the complainant. In the event the College imposes a No Contact Order, the respondent and/or complainant may request a review of the need for and terms of the No Contact Order, including potential modification, and may submit evidence in support of his or her request. The College will conduct a prompt review in response to such request. An individual who wishes to report a violation of a No Contact Order can contact the Title IX Coordinator.

C. Order of Protection

A student-complainant also has the right to request the assistance of the College in obtaining an order of protection from either the Family or Criminal Court. If an order of protection is granted, the parties will have the right to receive a copy of the order of protection when the order is received by the College. The parties will also have the opportunity to meet or speak with an appropriate College employee who can explain the order and the consequences for violating the order, and answer any questions about the order. Additionally, if the order of protection is violated, the student-complainant may receive assistance from the College in calling local law enforcement to inform them of the violation.

D. Interim Suspension

In the event the respondent is determined to present a continuing threat to the health and safety of the community, the respondent may be subject to an interim suspension pending the final outcome of the conduct process. Both parties, upon request, will be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of such request. Again, when taking such interim measures and/or steps to separate the complainant and the respondent, the College will, to the extent practical, minimize the burden on the complainant.
15. Records of Reports and Investigations

Personal information about any witness and records regarding these matters will remain confidential insofar as it does not interfere with the College’s right to investigate allegations of misconduct and take corrective action where appropriate and practicable. Written records will be retained with regard to the complaint, the investigation and fact-finding, and the resolution. However, the College will comply with criminal legal subpoenas or other civil court-ordered requests for information or paperwork in compliance with FERPA and other laws.

In all cases, all information and other appropriate records will be maintained for a minimum of six (6) years from the outcome of an investigation.

16. Prevention and Awareness Education Programs

Creating a safe and respectful environment is the responsibility of all members of the Molloy community. To promote and maintain this environment, the College engages in comprehensive educational programming to prevent sexual misconduct (including sexual harassment, domestic violence, dating violence, sexual assault, stalking, and retaliation).

As a condition of continued employment with the College, every employee must participate in and complete annual sexual harassment prevention training. New hires must complete this training within thirty (30) days of hire, unless he/she received training within the same annual cycle from a prior employer. At the conclusion of this training, each employee must sign a training acknowledgment form which will be kept in that employee’s personnel file.

Additionally, the College provides primary prevention and awareness programs for all incoming students and employees, and ongoing prevention and awareness campaigns for all students and employees. The College seeks to ensure that all programs are culturally relevant, responsive to community needs, informed by research, and assessed for value.

17. Applicable Procedures Under This Policy

The procedures for responding to reports of prohibited conduct committed by students are detailed in Appendix A: Investigating and Resolving Student Complaints. The procedures for responding to reports of prohibited conduct committed by employees are detailed in Appendix B: Investigating and Resolving Employee Complaints. The College applies the preponderance of the evidence (“more likely than not”) standard when determining whether this Policy has been violated. The Complaint Form to be used by employees and covered non-employees for the reporting of behaviors that may violate this Policy is annexed as Appendix C.
18. Transcript Notation

In accordance with New York State Education Law, Article 129-B, Section 6444 (B)(6), for crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(F)(I)–(VIII), the College shall make a notation on the transcript of students found responsible after the completion of the conduct process. Students found responsible of committing a crime meeting the reporting requirements of 20 U.S.C. § 1092(f)(1)(F)(I)–(VIII) shall have noted on their transcript that they were:

- “suspended after a finding of responsibility for a code of conduct violation”; or
- “expelled after a finding of responsibility for a code of conduct violation”.

Students who withdraw from the College while such conduct charges are pending and decline to complete the disciplinary process shall have noted on their transcript that they “withdrew with conduct charges pending.” For more information on the transcript notation policy, please contact the Title IX Coordinator.
APPENDIX A: INVESTIGATING AND RESOLVING STUDENT COMPLAINTS

The College is committed to providing a prompt, fair, and impartial investigation and resolution of all allegations of sexual misconduct. Any incident of sexual misconduct reported to any employee of the College, with the exception of those employees designated as confidential, will be reported to the Title IX Coordinator. The complainant has the right to withdraw the complaint and his or her involvement in the process at any time. However, in such instances, the College’s ability to respond may be limited and Title IX may nevertheless require the College to complete the investigation process.

Until the conduct is fully investigated and adjudicated in an impartial, timely, and thorough manner and an outcome decision has been communicated, the respondent is presumed not to have violated the Policy. All individuals involved in the resolution process will receive training, at least annually, on the issues relating to sexual misconduct, including sexual harassment, dating violence, domestic violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability. If a student brings a complaint against a College student, or an employee brings a complaint against a College student, the investigation and disciplinary process described herein will apply.

I. INTAKE MEETING

Upon notice of any allegation of sexual misconduct, the Title IX Coordinator, or his or her designee, will schedule an individual intake meeting with the complainant.

The complaint should be as specific as possible during the intake meeting and should clearly describe the alleged incident(s), when and where the alleged incident(s) occurred, and the desired remedy sought. The Title IX Coordinator, or his or her designee, will provide the complainant with a general understanding of the College’s policy, and identify forms of support or immediate assistance available to the complainant. Such information includes, but is not limited to, the complainant’s right to report the incident(s) to local law enforcement, information concerning available medical treatment, information on available support services, how the College handles requests for confidentiality, and the College’s policy against retaliation. The intake meeting may also involve a discussion of any interim accommodations that may be appropriate concerning the complainant’s academic schedule, and/or College employment arrangements.

At the initial intake meeting or at a subsequent time, the Title IX Coordinator, or his or her designee, will seek to determine how the complainant wishes to proceed (i.e., whether the complainant wishes to pursue Formal Resolution, Informal Resolution, or does not wish to pursue resolution of any kind). Regardless of how the complainant chooses to proceed, the College seeks to resolve every report of sexual misconduct within 60 calendar days of the initial report, excluding any appeal. The time frames included in this Policy may vary depending on the details of the complaint and, in some cases, the time of the academic year (e.g., during College breaks or final exams). The College may extend
any time frame for good cause and will provide the complainant and respondent with a written explanation as to the reason for such extension.

If the complainant wishes to proceed with either Formal Resolution or Informal Resolution, the Title IX Coordinator will ascertain the name of the respondent, and the date, location, and nature of the alleged sexual misconduct, and, within two (2) business days, will schedule an individual intake meeting with the respondent. The College will notify the respondent that a complaint has been filed and provide the date, time, location and factual allegations concerning the alleged violation, and possible sanctions.

If the complainant does not wish to pursue Formal Resolution or Informal Resolution, and either requests that his or her complaint remain confidential or refuses to participate in the initial intake meeting with the Title IX Coordinator, the Title IX Coordinator will inform the complainant that the College’s ability to respond may be limited. In such scenarios, Title IX nevertheless requires the College to evaluate the complainant’s request(s) for no action in the context of the College’s commitment to provide a reasonably safe and non-discriminatory environment for the entire College community and therefore may require the College to engage in the investigation process.

II. THE INVESTIGATION AND ADJUDICATION

The College provides two methods for resolving a claim of sexual misconduct: (1) Informal Resolution and (2) Formal Resolution.

A. INFORMAL RESOLUTION

A complainant who wishes to file a complaint but who does not wish to pursue Formal Resolution may request a less formal proceeding, known as Informal Resolution. While the Informal Resolution process is not as structured as the Formal Resolution process, it can be an effective and appropriate means to deal with a complaint

A trained counselor, trained mediator, or, if appropriate, a College employee, will preside over the Informal Resolution and may be assisted by another member of the senior staff of the College or outside expert. The complainant and the respondent each may bring an advisor to the Informal Resolution. Advisors are subject to the same restrictions set forth in the Policy.

If, in the course of the Informal Resolution, the respondent admits to violating the Policy, that admission will serve as a finding of responsibility after an independent investigation into the matter by the College. The Vice President of Student Affairs will recommend one or more sanctions, which the respondent can accept or reject. The sanctions that may be imposed as the result of the Informal Resolution process are the same as those outlined in the Formal Resolution process below. If the recommended sanction(s) is accepted, the process is concluded. If it is rejected, the complaint will proceed to the Formal Resolution process.
Participation in the Informal Resolution process is voluntary. The College will not compel a complainant or a respondent to engage in Informal Resolution and will allow a complainant or respondent to withdraw from the Informal Resolution process at any time. The College may, at any time, elect to end such proceedings and initiate Formal Resolution instead. Pursuing Informal Resolution does not preclude later use of Formal Resolution if the Informal Resolution fails to achieve a resolution acceptable to the parties and the College. Statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the Formal Resolution.

**B. FORMAL RESOLUTION**

The Formal Resolution process includes three stages: (1) investigation; (2) hearing and determination; and (3) sanctions. During all phases of the Formal Resolution process, the parties will be provided with advance written notice of any meeting they are required or eligible to attend. The College may, at its discretion, designate another trained and experienced person(s) to act in the place of the investigator and/or adjudicator. If there is such a designation, the parties involved will be informed.

**STAGE 1: INVESTIGATION**

The Title IX Coordinator will promptly coordinate an official investigation and will appoint an investigator(s) from a list of trained investigators to conduct the fact-finding for the complaint within three (3) business days of the intake meeting(s). The Title IX Coordinator, or his or her designee, will provide the investigator(s) with the names of the complainant and respondent, and the date, location and nature of the alleged sexual misconduct. Fact-finding will commence within five (5) business days of the Title IX Coordinator’s appointment of the investigator(s).

The Title IX Coordinator, or his or her designee, will notify the complainant and respondent, in writing, of the commencement of the investigation. The written notice will:

- Identify the complainant and the respondent;
- Specify the date, time (if known), location, allegations and nature of the alleged misconduct;
- Specify that there is a formal inquiry into the conduct in question;
- List the specific provisions of this Policy alleged to have been violated;
- List the possible sanctions;
- Explain the prohibition against retaliation;
- Identify the investigator(s); and
- State that both parties will be provided the time and place for all meetings in relation to the conduct process.

The investigator(s) will handle complaints impartially and objectively, perform fact-finding, and follow certain procedures. If there is a conflict of interest such that the investigator(s) cannot be impartial, another investigator(s) will be appointed by the Title
IX Coordinator to conduct the investigation. A party wishing to challenge the participation of the investigator(s) must notify the Title IX Coordinator, in writing, within twenty-four (24) hours of receiving the written notice of investigation. The party must state the specific reason(s) for the party’s objection. The Title IX Coordinator will determine whether the challenge has merit and, if so, will assign a new investigator(s).

The purpose of the fact-finding stage is to gather any and all information related to a report of sexual misconduct. During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigator(s) to each other or other witnesses. The investigator(s) will collect and review evidence he/she deems necessary or helpful to the investigation of the alleged sexual misconduct. The investigation will include individual interviews with the parties involved and with individuals who may have observed the alleged conduct or may have other relevant knowledge. The investigation may also include examination of medical records, surveillance video, cell phone and other electronic records, and other evidence. College officials and the investigator(s) will also make a separate determination of what evidence should be provided, beyond any evidence proposed by the parties.

Within five (5) business days of the investigation’s completion, the investigator(s) will provide a written report of the factual findings of his or her investigation to the Title IX Coordinator. The complainant and respondent will each have an opportunity to review the written report, in the presence of a College official.

**STAGE 2: HEARING AND DETERMINATION**

Formal Resolution typically involves a hearing before a three-person committee (the “Hearing Committee”). The Hearing Committee is comprised of three individuals consisting of one administrator, one staff member, and one faculty member. The Hearing Committee is charged with fairly, promptly, and impartially determining, based upon a preponderance of evidence, whether it is more likely than not that the Policy has been violated.

Within three (3) days of receiving the investigative report, the Title IX Coordinator will provide all documentation related to the complaint, including but not limited to the investigative report, to the Hearing Committee.

The Title IX Coordinator will send the complainant and respondent a written notice that outlines the allegations of the complaint, identifies the Hearing Committee members, and states the date, time, and location of the hearing at least ten (10) business days in advance of the hearing date. A party wishing to challenge the participation of any member appointed to the Hearing Committee must notify the Title IX Coordinator, in writing, within three (3) business days of receipt of the notice of hearing, stating the specific reason(s) for the party’s objection. The Title IX Coordinator will determine whether the challenge has merit and, if so, will assign a new Hearing Committee member.
**Prehearing Submissions**

At least four (4) business days prior to the hearing, the parties will provide the Title IX Coordinator with a list of witnesses they wish to be called, copies of documents, and a description of any other information they propose to present at the hearing. The Title IX Coordinator will determine whether such witnesses and documents are deemed relevant to the hearing. The Title IX Coordinator will provide each party with a copy of the list of witnesses and identification or copies of documents or other information submitted by each party prior to the hearing. In the absence of good cause, as determined by the Hearing Committee, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided by this deadline.

**Conduct of the Hearing**

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the Title IX Coordinator will provide both parties with written notice explaining the reason for such change. The College may arrange for the hearing to be recorded, and may arrange for the preparation of any transcript of the recording that the College deems appropriate.

The hearing will be conducted as follows:

- As a non-adversarial process, the hearing will not follow a courtroom model, and formal rules of evidence will not be observed.
- Consideration will be given to witnesses who may wish to submit or verify previously-submitted statements in lieu of being present for the hearing.
- The complainant and respondent will be instructed to report for the hearing at a specific day and time. The complainant and the respondent will be given the choice to be present at the hearing or submit official written statements; however, all parties will have access to all written statements. Alternatively, the parties can also participate in the hearing through utilization of closed circuit television.
- If either party fails to attend the hearing, the Hearing Committee may proceed and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date.
- Both the complainant and the respondent may have an advisor of their own choosing present to support and assist them during the pre-hearing, hearing, and appeal stages of the Formal Resolution process. An advisor may not direct questions to the Hearing Committee or witnesses at the hearing, but may consult with the party that he or she is assisting. The Hearing Committee will not allow an advisor’s presence to inhibit the parties’ sharing of information or the conduct of the hearing.
- After reviewing all documents pertaining to the case, the Hearing Committee will interview the complainant, respondent, and any witnesses in an order that makes sense to the Hearing Committee. As necessary, the Hearing Committee may recall hearing participants for additional questioning.
• At no time will the complainant and respondent be questioned at the same time or be permitted to question each other.
• At the conclusion of the Hearing Committee’s questioning of all parties and witnesses, both the complainant and respondent will be given the opportunity to present the Hearing Committee with any statements or information not previously addressed during or before the hearing.
• If the Hearing Committee determines that unresolved issues exist that would be clarified by the presentation of additional information, the Hearing Committee may suspend the hearing and reconvene it in a timely manner to receive such information. A delay may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents or other information that should have been presented at an earlier stage.

In order to comply with the Family Educational Rights and Privacy Act (“FERPA”), and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, the College will not disclose documents prepared in anticipation of the hearing, documents, testimony, or other information introduced at the hearing, and any transcript of the hearing itself may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law and/or College policy.

Opportunity to Review Evidence and Offer Information: Respondents and complainants are provided an opportunity to review and present relevant evidence and information that will be used during the conduct meetings and proceedings, consistent with the College’s policies and procedures, where appropriate and in accordance with the local, state, and federal laws including FERPA. The evidence must be relevant to the allegation as to permit a meaningful opportunity to respond and an opportunity to offer responsive evidence and information.

Prior Sexual History: An individual’s own prior sexual history with people other than the other party in the conduct process or his/her own mental health diagnosis and/or treatment is not relevant in determining responsibility. Prior sexual history of either party will never be used to prove character or reputation. Past findings of domestic violence, dating violence, stalking, or sexual assault may be relevant in the disciplinary stage that determines sanction.

In all investigations into alleged sexual misconduct, the College will evaluate evidence under a “preponderance of evidence” standard. The respondent will be found responsible for the alleged sexual misconduct if the Hearing Committee concludes, based upon careful review of all information presented, that such sexual misconduct more than likely occurred.

Within five (5) business days of the conclusion of the hearing, both the complainant and the respondent will be given access to the record of the hearing and offered an opportunity to provide an impact statement to the Vice President for Student Affairs while he or she is deliberating on the appropriate sanctions. The record of the hearing may not be copied. The impact statement may be no longer than five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins. The impact statement is the student’s opportunity to discuss his or her experience and the incident in question, as well as respond to

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how the investigation and hearing was conducted and any areas of agreement or disagreement with the investigation or hearing. The impact statement may not seek to introduce new evidence. This impact statement must be provided to the Title IX Coordinator, who will provide it to the opposing party and the Vice President for Student Affairs.

**STAGE 3: SANCTIONS**

The Vice President for Student Affairs imposes sanctions for students found in violation of this Policy. The Vice President for Student Affairs may consider suspending or expelling any student found responsible for sexual misconduct.

Within ten (10) business days from the hearing’s conclusion, the Vice President for Student Affairs will advise both the complainant and the respondent, simultaneously, in writing, of the outcome and determination. The determination letter will contain only the following information: (i) the name of the respondent; (ii) whether the respondent has been found responsible or not responsible for specific violation(s) of this Policy; (iii) a list of the possible sanctions imposed, if any; (iv) the sanctions actually imposed; (v) the rationale for the sanctions imposed; (vi) the College’s appeal process; (vii) any change to the results that occur prior to the time that the results become final; and (viii) when the results become final.

The Vice President for Student Affairs may impose any of the following sanctions that are determined to be fair and proportionate to the violation:

- Reprimand or warning
- Changing the respondent’s academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting the respondent’s access to College facilities or activities
- Community service
- Issuing a No Contact Order to the respondent or requiring that such an order remain in place
- Changing the respondent’s housing assignment
- Dismissal from or restricting or reassignment of College employment
- Removing the respondent from student housing
- Suspension (limited time or indefinite)
- Sexual misconduct training
- Counseling
- Expulsion

In determining appropriate sanctions, the Vice President for Student Affairs may consider any record of past violations of College policies, as well as the nature and severity of such past violation(s). The Vice President for Student Affairs will consider as part of the deliberations whether the respondent poses a continuing risk to the complainant and/or the College community. Any sanction(s) imposed will be explained and supported in the written decision of the Vice President for Student Affairs.

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III. APPEAL

All appeals will be conducted in a fair, impartial, and equitable manner. Either party can file a written appeal based upon: (i) potential procedural errors that had an impact on the decision; (ii) a claim that the sanction(s) imposed is not proportionate to the finding of facts; and (iii) new evidence that was not reasonably available at the time of the adjudication.

All sanctions imposed will be in effect during the appeal. A request may be made to the Title IX Coordinator for special consideration in exigent circumstances, but the presumptive stance of the College is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The decision of the Vice President for Student Affairs may be appealed in a written petition within five (5) business days of receiving the written decision for a review of the decision or the sanctions imposed. Any party who files an appeal must do so in writing to the Title IX Coordinator. The Title IX Coordinator will share the appeal with the other party. The non-appealing party is given an opportunity to review the appealing party’s submissions and materials and submit a written response.

All appeals and responses are then reviewed by a panel composed of one administrator, one staff member, and one faculty member (the “Appeals Panel”). The Appeals Panel shall not include the investigator or any member of the Hearing Committee and shall be assembled by the Title IX Coordinator. Prior to appointing the Appeals Panel, the Title IX Coordinator will determine if the appeal meets the grounds for appeal and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded to the Appeals Panel for their consideration.

Except for appeals brought under (iii) above, the Appeals Panel’s entire review process will be based on the party’s appeal, the non-appealing party’s response to the appeal, if any, and the Appeals Panel’s record of the case. Otherwise, no additional evidence is allowed and no witnesses may be heard. The Appeals Panel will make a final determination on the appeal and issue a final determination letter to the respondent and the complainant.
APPENDIX B: INVESTIGATING AND RESOLVING EMPLOYEE COMPLAINTS

I. OBLIGATION TO REPORT.

All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the College, or with a government agency or in court under federal, state or local antidiscrimination laws. Sexual harassment is against the law, and may subject the College to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

All employees and covered non-employees are encouraged to report any harassment or behaviors that violate this Policy using the Complaint Form included herein as Appendix C. Employees and covered non-employees who are reporting sexual harassment on behalf of other employees should use the Complaint Form and note that it is being filed on another employee’s behalf. Manager and supervisors are required to immediately report any complaint that they receive, or any harassment that they observe to the Title IX Coordinator.

The College is committed to providing a prompt, fair, and impartial investigation and resolution of all allegations of sexual misconduct. Any incident of sexual misconduct reported to any employee of the College, with the exception of those employees designated as confidential, will be reported to the Title IX Coordinator.

The complainant has the right to withdraw the complaint and his or her involvement in the process at any time. However, in such instances the College’s ability to respond may be limited and Title IX may nevertheless require the College to complete the investigation process.

Until the conduct is fully investigated and adjudicated in an impartial, timely, and thorough manner and an outcome decision is communicated, the respondent is presumed not to have violated the Policy. All individuals involved in the resolution process will receive additional training, at least annually, on how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability. If a student brings a complaint against a College employee, or an employee brings a complaint against an employee, the investigation and disciplinary process described herein will apply. In the event a student brings a complaint against a College employee under the Policy, such student is entitled to any and all rights afforded to students in Article 129-B of the New York State Education Law.

II. SUPERVISORY RESPONSIBILITIES

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Title IX Coordinator.
In addition to being subject to discipline if they engage in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in or having knowledge of and failing to report any retaliation.

III. INTAKE MEETING

Upon notice of any allegation of sexual misconduct, the Title IX Coordinator, or his or her designee, will schedule an individual intake meeting with the complainant.

The complaint should be as specific as possible during the intake meeting and should clearly describe the alleged incident(s), when and where they occurred, and the desired remedy sought. The Title IX Coordinator, or his or her designee, will provide the complainant with a general understanding of the College’s Policy, and identify forms of support or immediate assistance available to the complainant. Such information includes, but is not limited to, the complainant’s right to report the incident(s) to local law enforcement, information concerning available medical treatment, information on available support services, how the College handles requests for confidentiality, and the College’s policy against retaliation. The intake meeting may also involve a discussion of any interim accommodations that may be appropriate concerning the complainant’s academic schedule, and/or College employment arrangements.

At the initial intake meeting or at a subsequent time, the Title IX Coordinator, or his or her designee, will seek to determine how the complainant wishes to proceed (i.e., whether the complainant wishes to pursue Formal Resolution, Informal Resolution, or does not wish to pursue resolution of any kind). Regardless of how the complainant chooses to proceed, the College seeks to resolve every report of sexual misconduct within 60 calendar days of the initial report, excluding any appeal. The time frames included in this Policy may vary depending on the details of the complaint and, in some cases, the time of the academic year (e.g., during College breaks or final exams). The College may extend any time frame for good cause and will provide the complainant and respondent with a written explanation as to the reason for such extension.

If the complainant wishes to proceed with either Formal Resolution or Informal Resolution, the Title IX Coordinator will ascertain the name of the respondent, and the date, location, and nature of the alleged sexual misconduct, and, within two (2) business days, will schedule an individual intake meeting with the respondent. The College will notify the respondent that a complaint has been filed and provide the date, time, location and factual allegations concerning the alleged violation, and possible sanctions.

If the complainant does not wish to pursue Formal Resolution or Informal Resolution, and either requests that his or her complaint remain confidential or refuses to participate in the initial intake meeting with the Title IX Coordinator, the Title IX Coordinator will inform the complainant that the College’s ability to respond may be limited. In such scenarios, Title IX nevertheless requires the College to evaluate the complainant’s request(s) for no action in the context of the College’s
commitment to provide a reasonably safe and non-discriminatory environment for the entire College community and therefore may require the College to engage in the investigation process.

IV. THE INVESTIGATION AND ADJUDICATION

The College provides two methods for resolving a claim of sexual misconduct: (1) Informal Resolution and (2) Formal Resolution.

A. INFORMAL RESOLUTION

A complainant who wishes to file a complaint but who does not wish to pursue Formal Resolution may request a less formal proceeding, known as Informal Resolution. While the Informal Resolution process is not as structured as the Formal Resolution process, it can be an effective and appropriate means to deal with the complaint.

A trained counselor, trained mediator, or, if appropriate, a College employee, will preside over the Informal Resolution and may be assisted by another member of the senior staff of the College or outside expert. The complainant and the respondent each may bring an advisor to the Informal Resolution. Advisors are subject to the same restrictions set forth in the Policy.

If, in the course of the Informal Resolution, the respondent admits to violating the Policy, that admission will serve as a finding of responsibility after an independent investigation into the matter by the College. The Vice President of Academic Affairs will recommend one or more sanctions, which the respondent can accept or reject. The sanctions that may be imposed as the result of the Informal Resolution process are the same as those outlined in the Formal Resolution process below. If the recommended sanction(s) is accepted, the process is concluded. If it is rejected, the complaint will proceed to the Formal Resolution process.

Participation in the Informal Resolution process is voluntary. The College will not compel a complainant or a respondent to engage in Informal Resolution, or directly confront the respondent, and will allow a complainant or respondent to withdraw from the Informal Resolution process at any time. The College may, at any time, elect to end such proceedings and initiate Formal Resolution instead. Pursuing Informal Resolution does not preclude later use of Formal Resolution if the Informal Resolution fails to achieve a resolution acceptable to the parties and the College. Statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the Formal Resolution.

B. FORMAL RESOLUTION

The Formal Resolution process includes three stages: (1) investigation; (2) hearing and determination; and (3) sanctions. During all phases of the Formal Resolution process, the parties will be provided with advance written notice of any meeting they are required or eligible to attend. The College may, at its discretion, designate another trained and experienced person(s) to act in the place of the investigator and/or adjudicator in a conduct process. If there is such a designation, the parties involved will be informed.
**STAGE 1: INVESTIGATION**

The Title IX Coordinator will promptly coordinate an official investigation and will appoint an investigator(s) from a list of trained investigators to conduct the fact-finding for the complaint within three (3) business days of the intake meeting(s). The Title IX Coordinator, or his or her designee, will provide the investigator(s) with the names of the complainant and respondent, and the date, location and nature of the alleged sexual misconduct. Fact-finding will commence within five (5) business days of the Title IX Coordinator’s appointment of the investigator(s).

The Title IX Coordinator, or his or her designee, will notify the complainant and respondent, in writing, of the commencement of the investigation. The written notice will:

- Identify the complainant and the respondent;
- Specify the date, time (if known), location, allegations and nature of the alleged misconduct;
- Specify that there is a formal inquiry into the conduct in question;
- List the specific provisions of this Policy alleged to have been violated;
- List the possible sanctions;
- Explain the prohibition against retaliation;
- Identify the investigator(s); and
- State that both parties will be provided the time and place for all meetings in relation to the conduct process.

The investigator(s) will handle complaints impartially and objectively, perform fact-finding, and follow certain procedures. If there is a conflict of interest such that the investigator(s) cannot be impartial, another investigator(s) will be appointed by the Title IX Coordinator to conduct the investigation. A party wishing to challenge the participation of the investigator(s) must notify the Title IX Coordinator, in writing, within twenty-four (24) hours of receiving the written notice of investigation. The party must state the specific reason(s) for the party’s objection. The Title IX Coordinator will determine whether the challenge has merit and, if so, will assign a new investigator(s).

The purpose of the fact-finding stage is to gather any and all information related to a report of sexual misconduct. During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigator(s) to each other or other witnesses. The investigator(s) will collect and review evidence it deems necessary or helpful to the investigation of the alleged sexual misconduct. The investigation will include individual interviews with the parties involved and with individuals who may have observed the alleged conduct or may have other relevant knowledge. The investigation may also include examination of medical records, surveillance video, cell phone and other electronic records, and other evidence. College officials and the investigator(s) will also make a separate determination of what evidence should be provided, beyond any evidence proposed by the parties.
Within five (5) business days of the investigation’s completion, the investigator(s) will provide a written report of the factual findings of his or her investigation to the Title IX Coordinator. The complainant and respondent will each have an opportunity to review the investigative report, in the presence of a College official.

**STAGE 2: HEARING AND DETERMINATION**

Formal Resolution typically involves a hearing before a three-person committee (the “Hearing Committee”). The Hearing Committee is comprised of three individuals consisting of one administrator, one staff member, and one faculty member. The Hearing Committee is charged with fairly, promptly, and impartially determining, based upon a preponderance of evidence, whether it is more likely than not that the Policy has been violated.

Within three (3) days of receiving the investigative report, the Title IX Coordinator will provide all documentation related to the complaint, including but not limited to the investigative report, to the Hearing Committee.

The Title IX Coordinator will send the complainant and respondent a written notice that outlines the allegations of the complaint, identifies the Hearing Committee members, and states the date, time, and location of the hearing at least ten (10) business days in advance of the hearing date. A party wishing to challenge the participation of any member appointed to the Hearing Committee must notify the Title IX Coordinator, in writing, within three (3) business days of receipt of the notice of hearing, stating the specific reason(s) for the party’s objection. The Title IX Coordinator will determine whether the challenge has merit and, if so, will assign a new Hearing Committee member.

**Prehearing Submissions**

At least four (4) business days prior to the hearing, the parties will provide the Title IX Coordinator with a list of witnesses they wish to be called, copies of documents, and a description of any other information they propose to present at the hearing. The Title IX Coordinator will determine whether such witnesses and documents are deemed relevant to the hearing. The Title IX Coordinator will provide each party with a copy of the list of witnesses and identification or copies of documents or other information submitted by each party prior to the hearing. In the absence of good cause, as determined by the Hearing Committee, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided by this deadline.

**Conduct of the Hearing**

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the Title IX Coordinator will provide both parties with written notice explaining the reason for such change. The College may arrange
for the hearing to be recorded, and may arrange for the preparation of any transcript of the recording that the College deems appropriate.

The hearing will be conducted as follows:

- As a non-adversarial process, the hearing will not follow a courtroom model, and formal rules of evidence will not be observed.
- Consideration will be given to witnesses who may wish to submit or verify previously-submitted statements in lieu of being present for the hearing.
- The complainant and respondent will be instructed to report for the hearing at a specific day and time. The complainant and the respondent will be given the choice to be present at the hearing or submit official written statements; however, all parties will have access to all written statements. Alternatively, the parties can also participate in the hearing through utilization of closed circuit television.
- If either party fails to attend the hearing, the Hearing Committee may proceed and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date.
- Both the complainant and the respondent may have an advisor of their own choosing present to support and assist them during the pre-hearing, hearing, and appeal stages of the Formal Resolution process. An advisor may not direct questions to the Hearing Committee or witnesses at the hearing, but may consult with the party that he or she is assisting. The Hearing Committee will not allow an advisor’s presence to inhibit the parties’ sharing of information or the conduct of the hearing.
- After reviewing all documents pertaining to the case, the Hearing Committee will interview the complainant, respondent, and any witnesses in an order that makes sense to the Hearing Committee. As necessary, the Hearing Committee may recall hearing participants for additional questioning.
- At no time will the complainant and respondent be questioned at the same time or be permitted to question each other.
- At the conclusion of the Hearing Committee’s questioning of all parties and witnesses, both the complainant and respondent will be given the opportunity to present the Hearing Committee with any statements or information not previously addressed during or before the hearing.
- If the Hearing Committee determines that unresolved issues exist that would be clarified by the presentation of additional information, the Hearing Committee may suspend the hearing and reconvene it in a timely manner to receive such information. A delay may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents or other information that should have been presented at an earlier stage.

In order to comply with the Family Educational Rights and Privacy Act (“FERPA”), and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, the College will not disclose documents prepared in anticipation of the hearing, documents, testimony, or other information introduced at the hearing, and any transcript of the hearing itself may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law and/or College policy.
**Opportunity to Review Evidence and Offer Information:** Respondents and complainants are provided an opportunity to review and present relevant evidence and information that will be used during the conduct meetings and proceedings, consistent with the College’s policies and procedures, where appropriate and in accordance with the local, state, and federal laws including FERPA. The evidence must be relevant to the allegation as to permit a meaningful opportunity to respond and an opportunity to offer responsive evidence and information.

**Prior Sexual History:** An individual’s own prior sexual history with people other than the other party in the conduct process or his/her own mental health diagnosis and/or treatment is not relevant in determining responsibility. Prior sexual history of either party will never be used to prove character or reputation. Past findings of domestic violence, dating violence, stalking, or sexual assault may be relevant in the disciplinary stage that determines sanction.

In all investigations into alleged sexual misconduct, the College will evaluate evidence under a “preponderance of evidence” standard. The respondent will be found responsible for the alleged sexual misconduct if the Hearing Committee concludes, based upon careful review of all information presented, that such sexual misconduct more than likely occurred.

Within five (5) business days of the conclusion of the hearing, both the complainant and the respondent will be given access to the record of the hearing and offered an opportunity to provide an **impact statement** to the Vice President of Academic Affairs while he or she is deliberating on the appropriate sanctions. The record of the hearing may not be copied. The impact statement may be no longer than five (5) single-spaced typed pages, using size 12 Times New Roman font and 1-inch margins. The impact statement is the party’s opportunity to discuss his or her experience, and the alleged misconduct, as well as respond to how the investigation and hearing was conducted and any areas of agreement or disagreement with the investigation or hearing. The impact statement may not seek to introduce new evidence. This impact statement must be provided to the Title IX Coordinator, who will provide it to the opposing party and the Vice President of Academic Affairs.

**STAGE 3: SANCTIONS**

The Vice President of Academic Affairs imposes sanctions for employees found in violation of this Policy. The Vice President of Academic Affairs may consider suspending or expelling any employee found responsible for sexual misconduct.

Within ten (10) business days from the hearing’s conclusion, the Vice President of Academic Affairs will advise both the complainant and the respondent, simultaneously, in writing, of the outcome and determination. The determination letter will contain only the following information: (i) the name of the respondent; (ii) whether the respondent has been found responsible or not responsible for specific violation(s) of this Policy; (iii) a list of the possible sanctions imposed, if any; (iv) the sanctions actually imposed; (v) the rationale for the sanctions imposed; (vi) the College’s appeal process; (vii) any change to the results that occur prior to the time that the results become final; and (viii) when the results become final.
The Vice President of Academic Affairs imposes sanctions for employees found in violation of this Policy. The Vice President of Academic Affairs may impose any of the following sanctions that are determined to be fair and proportionate to the violation:

- Reprimand or warning
- Changing the respondent’s schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting the respondent’s access to College facilities or activities
- Community service
- Issuing a No Contact Order to the respondent or requiring that such an order remain in place
- Dismissal from or restricting or reassignment of College employment
- Removing the respondent from campus housing
- Suspension (limited time or indefinite)
- Sexual misconduct training
- Counseling
- Termination

In determining appropriate sanctions, the Vice President of Academic Affairs may consider any record of past violations of College policies, as well as the nature and severity of such past violation(s). The Vice President of Academic Affairs will consider as part of the deliberations whether the respondent poses a continuing risk to the complainant and/or the College community. Any sanction(s) imposed will be explained and supported in the written decision.

College policies or contracts may require the College to use additional processes before taking certain employment-related actions with respect to faculty and certain other employees. Where a person covered by such a policy or contract has allegedly engaged in conduct prohibited by this Policy, the investigation and disciplinary process will proceed in accordance with the procedures set forth herein, except that the Vice President of Academic Affairs will not impose any discipline that would require the use of additional processes. Instead, the Vice President of Academic Affairs will impose all appropriate discipline that does not require the use of additional processes and then refer the matter, if appropriate, for action under the additional process. The College’s disciplinary action will be considered complete with the Vice President of Academic Affairs’ imposition of discipline and referral, subject to any appeals. For information, please contact the Human Resources Department.

V. **APPEAL**

All appeals will be conducted in a fair, impartial, and equitable manner. Either party can file a written appeal based upon: (i) potential procedural errors that had an impact on the decision; (ii) a claim that the sanction(s) imposed is not proportionate to the finding of facts; and (iii) new evidence that was not reasonably available at the time of the adjudication.

All sanctions imposed will be in effect during the appeal. A request may be made to the Title IX Coordinator for special consideration in exigent circumstances, but the presumptive stance of the Sexual Misconduct Policy October 1, 2018 39
College is that the sanctions will stand. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the respondent to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The decision of the Vice President of Academic Affairs may be appealed in a written petition within five (5) business days of receiving the written decision for a review of the decision or the sanctions imposed. Any party who files an appeal must do so in writing to the Title IX Coordinator. The Title IX Coordinator will share the appeal with the other party. The non-appealing party is given an opportunity to review the appealing party’s submissions and materials and submit a written response.

All appeals and responses are then reviewed by a panel composed of one administrator, one staff member, and one faculty member (the “Appeals Panel”). The Appeals Panel shall not include the investigator or any member of the Hearing Committee and shall be assembled by the Title IX Coordinator. Prior to appointing the Appeals Panel, the Title IX Coordinator will determine if the appeal meets the grounds for appeal and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded to the Appeals Panel for their consideration.

Except for appeals brought under (iii) above, the Appeals Panel’s entire review process will be based on the party’s appeal, the non-appealing party’s response to the appeal, if any, and the Appeals Panel’s record of the case. Otherwise, no additional evidence is allowed and no witnesses may be heard. The Appeals Panel will make a final determination on the appeal and issue a final determination letter to the respondent and the complainant.

VI. LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by the College, but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at the College, employees and covered non-employees may also choose to pursue legal remedies with the following governmental agencies. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

New York State Human Rights Law

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees and covered non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the College does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.
You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney’s fees and civil fines.

DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400, or visit www.dhr.ny.gov Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.

**Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

An employee alleging discrimination at work, can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

**Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

**Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.
Retaliation.

As set forth more fully in the Policy, unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law and, where applicable, New York City Human Rights Law protect any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of the law or this policy, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, this retaliation provision and the anti-retaliation policy set forth in the Policy are not intended to protect persons making intentionally false charges of harassment.

VII. PUBLIC NOTICES

Under NYC Local Law 95 of 2018, the College is required to conspicuously display anti-sexual harassment rights and responsibilities notices in both English and Spanish, and distribute a factsheet to individual employees at the time of hire. The College will post the notices in conspicuous employment areas throughout the Campus. The factsheet will be incorporated into the College’s new hire packet, and will be sent annually to all employees via email. The notices and fact sheet will also be incorporated into the Employee Handbook.
APPENDIX C: EMPLOYEE AND COVERED NON-EMPLOYEE COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees and covered non-employees to report in writing alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Title IX Coordinator. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the College is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: https://www.ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:
Department: Home Address:
Work Phone: Home Phone:
Job Title: Email:
Select Preferred Communication Method: ☐ Email ☐ Work ☐ Home ☐ In person

SUPERVISORY INFORMATION

Immediate Supervisor’s Name:
Title:
Work Phone: Department:
**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

  名: 

   角色: 

   机构: 

   工作电话: 

   你与该人的关系: 

   Supervisor  Subordinate  Co-Worker  Other

2. Date(s) sexual harassment occurred:

   是性骚扰持续中吗?  Yes  No

3. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

   I request that Molloy College investigate this complaint of sexual harassment in a timely manner as outlined in the College’s policy, and advise me of the results of the investigation.

   签名: ___________________________ 日期: ___________________________

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