



*ANTI-DISCRIMINATION,
HARASSMENT (INCLUDING SEXUAL
MISCONDUCT, DATING VIOLENCE,
DOMESTIC VIOLENCE, STALKING)
AND RETALIATION
POLICY*



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June 2016

Dear Member of the Adelphi Community,

Adelphi is a community that is committed to diversity and inclusiveness and to fostering a positive environment in which we can learn and work together. It is in that spirit that I share the following with you:

Discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and retaliation of any type will not be tolerated at Adelphi University. Upon notice, the University will act to end the discrimination, harassment or retaliation; prevent its recurrence; and remedy its effects on the victim and the University community. If you have any questions or concerns about discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and/or resulting retaliation, or if you need help in resolving a problem, I strongly encourage you to contact one of the Anti-Discrimination Panel members listed below, or any of the Panel members listed in Section XI. For emergency or immediate assistance at any hour of the day on any day of the week, contact the Department of Public Safety (516) 877-3511 or dial 5 from any campus phone.

While providing details is essential to investigating your complaint, please be advised that some or all of the information you provide may be shared with the person(s) you are accusing. You may supplement this description later if you wish to share additional details. Although absolute confidentiality cannot be promised in all cases, the University will treat the concerns of all complainants with sensitivity and respect and maintain the privacy of all parties to the greatest extent possible.

You may fill out a complaint form for discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and retaliation at: <http://hr.adelphi.edu/title-ix/report/>. You may choose to file this complaint form anonymously. This form will be received and reviewed by the Director of Employment, Employee, and Labor Relations and the Title IX Coordinator, Director of Equity and Compliance.

Here is the contact information for a complaint or information:

- If you are a student complainant, contact Jeffrey Kessler (Assistant Vice President and Dean of Student Affairs), kessler@adelphi.edu or (516) 877-3151 or Rhonnie Jaus (Title IX Coordinator, Director of Equity and Compliance), titleix@adelphi.edu or (516) 877-4819
- If you are an employee or third party complainant, contact Jane Fisher (Director of Employment, Employee, & Labor Relations), fisher2@adelphi.edu or (516) 877-3222 or Rhonnie Jaus (Title IX Coordinator, Director of Equity and Compliance), titleix@adelphi.edu or (516) 877-4819.

If you have questions about this policy, you may contact Dean Kessler, Jane Fisher or Rhonnie Jaus at the contact information above. Thank you for helping make Adelphi a community built on trust and respect.

All the best,

Christine M. Riordan, President
Adelphi University

ANTI-DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING) AND RETALIATION POLICY

I. STATEMENT OF POLICY

Adelphi University is proud of its work and academic environment and will strive to maintain a pleasant and collegial environment for employees, students, guests and visitors, all of whom are expected to treat each other with courtesy, consideration and professionalism. The University will not tolerate discrimination, harassment or retaliation based on the protected status of an individual's race, creed, color, national origin, sex, gender identity, gender expression, age, marital status, disability, ethnicity, sexual orientation, genetic predisposition or carrier status, religion, pregnancy, veteran status, or any other basis protected by applicable local, state or federal laws. With this Policy, the University prohibits not only unlawful discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and retaliation, but also discourages other unprofessional and discourteous actions. Derogatory or inappropriate remarks, slurs, or jokes related to any protected class will not be tolerated. The University will make this Policy available in various and appropriate places on campus and on the University website.

Discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and/or retaliation in any context, in addition to being unlawful, is reprehensible and is a matter of particular concern to an academic community in which students, faculty and staff are related by strong bonds of intellectual interdependence, collegiality, and trust.

Discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and retaliation are violations of University Policy and of the appropriate standard of conduct required of all persons associated with the University. The University is committed to preventing, investigating, and remedying violations of this Policy. Those members of the community inflicting such behavior on others are subject to the full range of institutional disciplinary actions, up to and including separation from the University, and/or referral to authorities for criminal prosecution, as appropriate. Non-members of the community, such as guests or visitors, who inflict such behavior on campus, at campus events or within campus programs may be referred for criminal prosecution, and/or barred from campus events and property, and/or referred to institutions or employers with which they are affiliated. Guests and/or visitors impacted by discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and/or retaliation are protected by these policies and procedures.

A violation of any University policy which is motivated by the actual or perceived membership of the victim in a protected class may be investigated, resolved and remedied under this Policy. Any misconduct related to or coinciding with an

investigation into a violation of this Policy may also be investigated under this Policy, however, misconduct found not to be in violation of this Policy will not be subject to the procedures hereunder, but will be resolved and remedied pursuant to the appropriate institutional procedures.

II. SCOPE OF POLICY

This Policy applies to: anyone involved in academic, educational, recreational, and living programs; visitors, guests and campers; applicants in the admissions process; and recipients and/or providers of Adelphi's programs or services, including participants in Adelphi-based research projects and activities, student teaching, internships and field placements regardless of locations; subcontractors and all employees and applicants for employment in all positions. The Policy also encompasses University-sponsored events that occur off-campus; all campuses and/or Campus Centers or sites; off-campus incidents that have an on-campus impact or affect members of the campus community regardless of whether such members are on or off campus; off-campus and/or online speech or conduct, such as social networking sites, which causes a substantial disruption to University operations and/or mission or affects members of the campus community. While the *Code of Conduct* will govern complaints regarding misconduct by students, this Policy provides important definitions and other information that is relevant to any member of the community, including students.

This Policy applies to all cases involving allegations of sexual assault, dating violence, domestic violence, and stalking that have a reasonable connection to the University, whether the conduct occurred on campus, off campus or while studying abroad. The protections in this policy with regard to the above mentioned cases apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or gender expression, sexual orientation, familial status, pregnancy, genetic predisposition or carrier status, military status or criminal conviction.

When such conduct involves students or employees from two or more institutions, such institutions may work collaboratively to address the conduct, provided that such collaboration complies with the Family Educational Rights and Privacy Act.

Finally, this Policy also applies to events sponsored by other individuals or entities that may take place on any campus or Campus Center or Site of Adelphi University, regardless of whether or not members of the campus community are involved.

III. INDIVIDUAL SPEECH GUIDELINES, INCLUDING ACADEMIC FREEDOM

The role of universities in the community is to encourage the free flow of thoughts and ideas essential to higher education. Therefore, while Adelphi University does not encourage offensive or insensitive speech, principles of academic freedom may limit the University's ability to restrict speech that is germane to academic

subjects and pedagogically appropriate to those subjects. However, when speech rises to the level of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and/or retaliation as defined herein, it cannot be protected by academic freedom and will be considered to be a violation of this Policy.

IV. **DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING) AND RETALIATION**

A. **Definitions**

1. **Discrimination**

Actions that deprive individuals of educational or employment access, benefits or opportunities on the basis of the individual's actual or perceived protected status (as protected status is described in Section I above).

2. **Harassment**

Harassment prohibited by this Policy includes, but is not limited to, conduct which constitutes sexual misconduct or other unwelcome conduct of a sexual nature, which includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal, non-verbal, or physical conduct of a sexual nature.

Sexual harassment shall also include, but not be limited to, sexual violence, which refers to sexual acts and/or sexual contact that occurs without affirmative consent or where a person is incapable of giving informed consent as a result of drugs or alcohol, intellectual or other disability, or age.

Harassment prohibited by this Policy also includes dating violence, domestic violence and stalking as defined herein.

Harassment may also include derogatory visual, verbal, non-verbal, or physical conduct that demonstrates bias based on an individual's actual or perceived protected status (as protected status is described in Section I above) when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of the individual's academic or employment status or advancement; or
- Submission to or rejection of the conduct is used as the basis for academic or employment decisions affecting the individual; or

- The conduct has the purpose or effect of unreasonably interfering with the individual's academics (including social and residential experiences) or work performance by creating a hostile environment, regardless of whether it is directed toward that or any specific individual.

Examples of prohibited conduct that constitutes harassment include, or may include, but are not limited to:

- Verbal or non-verbal repeated and unwelcome sexual advances, innuendoes or propositions, racial or sexual epithets, derogatory slurs, off-color jokes, threats, or suggestive or insulting actions and/or sounds;
- Unwanted physical contact including touching, interference with an individual's normal movement or assault;
- Derogatory visual posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Threatening, intimidating or causing physical harm, or other conduct that threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;
- The intentional recording, disseminating or viewing another person's sexual activity, intimate body parts or nakedness without their consent;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the University Hazing Policy) on the basis of actual or perceived membership in a protected class;
- Bullying, defined as repeated and/or aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, on the basis of actual or perceived membership in a protected class;
- The intentional use or threatened use of violence between those in an intimate relationship to each other (this includes romantic relationships, dating and/or domestic violence);
- Stalking, defined as a course of conduct directed at a specific person designed for no legitimate purpose and which causes a reasonable person to be in fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

3. Hostile Environment

A hostile environment exists when: conduct is severe, pervasive or persistent, and is on the basis of actual or perceived membership in a protected class, and limits, denies or unreasonably interferes with an individual's work or academic experience (including social and residential participation.)

A single or isolated incident of sexual harassment, dating violence, domestic violence or stalking may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.

4. Prohibited Relationships as Sexual Harassment

The relationship between faculty and students is central to the academic mission of the University. Personal ties should not be allowed to interfere with the academic integrity of the faculty/student relationship. With respect to sexual, amorous or romantically intimate relations in particular, what might appear to be consensual, even to the parties involved, may in fact not be so, due to the inherent imbalance of power.

Therefore, professors, instructors, coaches and/or graduate assistants, are prohibited from having sexual relations and/or romantically intimate or amorous relationships with any student they teach, supervise, coach or advise. Similarly, any administrator or employee in a supervisory role may not have sexual relations and/or romantically intimate or amorous relationships with any student or employee they supervise directly or indirectly. Examples include, but are not limited to: sexual relations between a student and an administrator, coach, advisor, program director, counselor, or professional residential staff member who has oversight responsibility for a student. The University will respond to all reports of prohibited or inappropriate sexual, amorous or romantically intimate behavior.

In acting on complaints that come to the University's attention, sexual harassment will be presumed to have occurred in violation of this Policy if the employee has engaged in sexual, amorous or romantically intimate relations with a student while the individual was teaching or otherwise had, or is likely to have, supervisory responsibility or academic or professional influence over the student regardless of whether the sexual, amorous or romantically intimate relations were consensual or not.

If, after the commencement of a consensual sexual, amorous or romantically intimate relationship, that is not prohibited by this Policy,

the parties learn that due to a change in their duties, responsibilities, assignments or positions, their relationship will now be prohibited, both parties are required to notify the Title IX Coordinator as soon as possible in order to determine how to proceed. Notification is required regardless of whether the consensual relationship still exists.

Persons involved in consensual sexual, amorous or romantically intimate relationships outside of the faculty/student, supervisor/subordinate, or others previously noted, must exercise caution to prevent the development of harassing behavior or use of authority inappropriately. Consensual relationships can change and conduct once welcomed by both, may become unwelcome to one. The fact that there is initial consent to forming a romantic relationship or a specific sexual encounter does not preclude a charge of harassment in the future or transform unethical behaviors into acceptable conduct.

5. **Sexual Misconduct Violations**

a. **Sexual Harassment**

See definition provided above.

b. **Sexual Assault**

Sexual assault as it pertains herein is sexual activity (which includes sexual acts and/or sexual contact) that occurs without affirmative consent (see definition below) to engage in the activity.

Sexual Act means:

1. Contact between the penis and the vulva or the penis and the anus, and for the purposes of this subparagraph, contact involving the penis occurs upon any penetration, however slight;
2. Contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus;
3. Penetration however slight of the anal or genital opening of another by a hand or finger or by any object, with the intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

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 the intent to abuse, humiliate, harass, degrade or gratify the sexual desire of any person.

c. **Sexual Exploitation**

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations

in which the conduct does not fall within the definitions herein of Sexual Harassment or Sexual Assault.

Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person(s) observed).
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution, which includes acts of engaging in, soliciting, patronizing, facilitating and promoting prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent for the purpose of sexual activity.
- Sexual exhibitionism.

6. Dating Violence

Violence or the threat of violence or physical restraint committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on the victim's statement and consideration of the following factors: the length of the relationship; the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Two people may be involved in a romantic or intimate relationship regardless of whether the relationship is sexual.

7. Domestic Violence

Violence or the threat of violence or physical restraint committed by a current or former spouse of the victim, a person who shares a child in common with the victim or a person who is cohabiting romantically with the victim.

Both dating violence and domestic violence can be defined as a pattern of abusive behavior used by an intimate partner to gain or maintain control over an intimate partner. Dating and domestic violence can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This can include behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

8. Stalking

A course of unwanted and repeated conduct directed at a specific person designed for no legitimate purpose, and which causes a reasonable person to be in fear for his or her own safety, or the safety of others or to suffer substantial emotional distress. Stalking may include, but is not limited to unwanted following, communication (including electronic), visits and gifts.

9. Affirmative Consent

Affirmative consent to engage in sexual activity is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly chose to participate in sexual activity. Incapacitation may be caused by lack of consciousness or being asleep, being involuntarily restrained or if the 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. Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

10. Incapacity

Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.

Incapacity is defined as the inability to make rational and reasonable decisions due to lack of capacity to give informed consent (e.g., the person lacks the ability to understand the “who, what, when, where, why or how” of engaging in sexual activity).

A person cannot consent if he or she is unable to understand what is happening or is disoriented, physically helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. Incapacity can also result from a mental, intellectual or other disability or from involuntary restraint. An individual who engages in sexual activity when they know, or should know, that the other person is physically or mentally incapacitated has violated this Policy. It is not an excuse that the individual accused of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

In New York, a person under the age of seventeen cannot legally consent to sexual activity and is considered incapacitated.

11. Retaliation

Retaliation is an intentional action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms or attempts to harm an individual as reprisal for filing a complaint, supporting a complainant or otherwise participating in a proceeding pursuant to this Policy. Retaliation includes intimidating, threatening, coercing or in any way discriminating against an individual because of the individual’s complaint or participation in an investigation or proceeding.

Under no circumstances will Adelphi University tolerate any retaliation against an individual or group for making a complaint of harassment or discrimination in good faith under this Policy or for participating in an investigation.

Examples of retaliation include, but are not limited to, the following actions taken because the individual has filed or makes known plans to file a complaint pursuant to this Policy:

- A professor fails a student or assigns a grade lower than the student earned because the student has filed or makes known plans to file a complaint against the professor.

- A coach excludes a student from a team or limits the amount of playing time during an athletic activity of a student because the student has filed or makes known plans to file a complaint against the coach.
- A supervisor gives deflated performance evaluations, or withholds deserved support for tenure and promotion, or requires punitive work assignments of an employee because the employee has filed or makes known plans to file a complaint against the supervisor.
- A professor or administrator excludes a student from participation in an organization, club or activity or imposes an inequitable workload because the student or employee has filed or makes known plans to file a complaint against the professor or administrator.
- A third party or person disparages a student or employee because the student or employee supports a complainant or any other participant in the process.

B. Other Elements of Discrimination, Harassment (Including Sexual Misconduct, Dating Violence, Domestic Violence, Stalking) and/or Retaliation

Discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and/or retaliation can occur between individuals of the same or different status, and all persons, regardless of gender, sexual orientation or gender expression, can be the subject of or perpetrator of this conduct. This conduct can involve individuals or groups; can occur during one incident or over a series of incidents that in isolation, would not necessarily constitute discrimination or harassment, but can be so by pattern or repetition over time; and can be direct or systemic.

Each member of the University community should avoid conduct that may be perceived by a reasonable person as discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and/or retaliation.

V. INTENT

Failure to recognize that one's behavior is harassing or discriminatory to an individual or group of individuals is not an acceptable defense to discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation. Differences in perception on the part of individuals involved in complaints of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) or retaliation will be resolved based on the "reasonable person" standard in evaluating offensive behavior. Accordingly, all

members of the University community should consider how a reasonable person may view their behavior, notwithstanding their intent.

VI. COOPERATION / OBSTRUCTING THE PROCESS

All members of the University community, including students, faculty, and staff are expected to report all violations of this Policy and assist and cooperate in the application of this Policy, in particular by cooperating in any investigation under this Policy. Any person who knowingly misrepresents the truth, or whose willful action or inaction obstructs the application of these procedures, will be subject to disciplinary action.

Required Reporting

While all members of the Adelphi community are strongly encouraged to report an inappropriate situation, regardless of who is creating that situation and may be required to report criminal actions by law, all persons who act in a supervisory, managerial, or instructional role are among those designated as “responsible employees” of the University and therefore required to report misconduct in violation of this Policy. Those considered “responsible employees” of the University include, but are not limited to: public safety officers, faculty, deans, managers, resident assistants, resident hall directors, residential life directors, senior administrators and supervisors and are thus required to report any incidents of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), or retaliation to the Title IX Coordinator. “Responsible employees” can also be held responsible for actions or inaction that obstructs the application of this Policy.

“Responsible Employees”

A “responsible employee” is any employee of the institution who has:

- The authority to take action to redress harassment,
- The duty to report harassment or other types of misconduct to appropriate officials, or
- Is someone the students or employees could reasonably believe has this authority or responsibility

Notwithstanding the above, the requirements with respect to reporting and cooperation do not apply to faculty or students conducting confidential research under the supervision of an IRB, who, in the course of conducting such research, obtain information from research participants about sexual harassment, sexual violence, dating violence, domestic violence, stalking victimization or other violations under this policy (subject to certain exceptions). In such cases, research participants must be informed that disclosures of the above offenses made during the course of

the research will not be considered notice to the University for the purpose of initiating an investigation.

Researchers should provide research participants with information regarding their options to report the misconduct to the Title IX Coordinator, the Department of Public Safety and the local or state police, as well as the confidential resources available at the Student Counseling Center, Student Health Services, Campus Chaplains, and other community resources listed in the following brochures:

- *What Every Adelphi Student Needs to Know About Sexual Assault*
- *What Every Adelphi Student Needs To Know About Domestic Violence, Dating Violence and Stalking*

These brochures can be found at <http://operations.adelphi.edu/handbooks/>.

Reports Involving Minors

Adelphi University is committed to the prevention of child abuse. Child abuse includes both the physical and sexual abuse of individuals under the age of eighteen. Adelphi University employees are directed to bring all reasonable suspicions, beliefs and allegations of child abuse immediately to the attention of Public Safety or the Title IX Coordinator, who will then make the appropriate report to the New York State Child Abuse Hotline (State Central Register). Reports can also be made directly to the Child Abuse Hotline at 800-342-3720.

VII. WHAT TO DO IF YOU ARE EXPERIENCING DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING) AND/OR RETALIATION

If you think you are the subject of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation, it is recommended that you:

- Consider telling the person to stop the objectionable behavior, or consider asking for help to do so;
- Document what you are experiencing and date each occurrence;
- Report the objectionable behavior (see “Reporting Process” below) before you consider resigning from a position, transferring departments, dropping a class, or changing a class to avoid the problem;
- Familiarize yourself with policies, support services, and resources available.

Additional Rights in Sexual Assault, Dating Violence, Domestic Violence, and Stalking Cases

In addition to the provisions outlined in this Policy, individuals reporting allegations of sexual assault, dating violence, domestic violence or stalking to University personnel shall be apprised of the following rights at the time of their initial disclosure:

The right to make a report to Public Safety, local law enforcement and/or the state police about the incident or to choose not to report.

The right to report the incident to the University and be protected by the University from retaliation for reporting the incident.

The right to receive assistance, measures and confidential resources from the University.

The right to emergency access to the Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault, dating violence, domestic violence or stalking, who shall be available upon the first instance of disclosure by a complainant 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, and detailing the different standard of proof used in the criminal justice system and that questions regarding the penal law should be addressed to law enforcement or the district attorney. Such official shall also explain whether they are authorized to offer the complainant confidentiality or privacy and shall inform the complainant of other reporting options.

A. Confidentiality and Privacy in the Reporting Process

Confidentiality (meaning privacy of information about complaints and investigations) will be maintained to the extent required by law and to the extent possible given the University's obligations under law and under this Policy. At the beginning of the process, the University will inform the complainant about confidentiality standards and privacy concerns, as well as confidential and other resources available.

However, even offices and employees that cannot guarantee confidentiality will maintain the privacy of all parties to the greatest extent possible. Information provided to a non-confidential resource will be relayed only as necessary to the required administrators in order to investigate and seek resolution of the case.

The University will evaluate a request for confidentiality or not to act on a complaint in the context of its responsibility to provide a safe and nondiscriminatory environment for all members of the community. Therefore, while absolute confidentiality cannot be promised, the University will treat the concerns of the

complainant with sensitivity and respect. The University will also assist with reasonable academic, housing, transportation, employment and other accommodations requested regardless of reporting choices. A request for confidentiality however may limit the University's ability to respond.

Confidential Resources and Support

The University encourages all members of the Adelphi community to report incidents related to this policy. However, individuals who are not ready or willing to make a formal report, but still wish to speak with someone can utilize the confidential on-campus resources of the Student Counseling Center, Student Health Services or the Campus Chaplains, as well as off campus mental health providers listed on the University website. These resources are subject to legal confidentiality obligations that prohibit the release of information without the express consent of the individual. See <http://operations.adelphi.edu/handbooks/>.

Amnesty

The health and safety of every student at the University is of utmost importance. Adelphi University 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 dating violence, domestic violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report dating violence, domestic violence, stalking or sexual assault to University officials. A bystander (witness) acting in good faith or a complainant acting in good faith that discloses any incident of dating violence, domestic violence, stalking or sexual assault to University officials or law enforcement will not be subject to the University's *Code of Conduct* action for violations of alcohol and/ or drug use policies occurring at or near the time of the commission of the dating violence, domestic violence, stalking or sexual assault.

B. The Reporting Process

Any employee, student, or third party who believes that they may have been subjected to discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation is strongly encouraged to report this in accordance with the procedures set forth in this Policy.

For emergency or immediate assistance (twenty-four hours a day, seven days a week) contact the Department of Public Safety (516) 877-3511 or dial 5 from any campus phone. All emergency contact numbers are listed on the reverse side of your Adelphi identification card.

- If you are a student complainant, contact Jeffrey Kessler (Assistant Vice President and Dean of Student Affairs), kessler@adelphi.edu or (516) 877-3151 or Rhonnie Jaus (Title IX Coordinator, Director of Equity and

Compliance), titleix@adelphi.edu or (516) 877-4819.

- If you are an employee or third party complainant, or if you have questions pertaining to this policy, contact Jane Fisher (Director, Employment, Employee, & Labor Relations), fisher2@adelphi.edu or (516) 877-3222 or Rhonnie Jaus (Title IX Coordinator, Director of Equity and Compliance), titleix@adelphi.edu or (516) 877-4819.
- In addition, you may contact any member of the Anti-Harassment, Discrimination (including Sexual Misconduct, Dating Violence, Domestic Violence, Stalking), and Retaliation Panel (“Anti-Discrimination Panel”) listed at the end of this document.

To file a complaint involving Jeffrey Kessler or Jane Fisher, contact Title IX Coordinator, Director, Equity and Compliance, Rhonnie Jaus, as above. To file a complaint involving the Title IX Coordinator, Director of Equity and Compliance, please direct your complaint to Jane Fisher, as above. Anyone who reports misconduct to the above resources will be informed about this process, as outlined in this Policy.

You may also report online to:

<http://hr.adelphi.edu/title-ix/report/>

You may choose to file this complaint form anonymously. This form will be received and reviewed by the Director of Employment, Employee and Labor Relations and the Title IX Coordinator, Director of Equity and Compliance. The University will comply with all federal, state and local mandates regarding the reporting of crimes to appropriate authorities.

Inquiries concerning the application of Title IX may be referred to the University’s Title IX Coordinator, Rhonnie Jaus at titleix@adelphi.edu , Levermore Hall, Room 203, (516) 877-4819, or

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100

Customer Service Hotline #: (800) 421-3481,
Facsimile: (202) 453-6012
TDD#: (877) 521-2172,
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr> or

U.S. Equal Employment Opportunity Commission (EEOC)
131 M Street, NE
Washington, DC 20507
202-663-4900 / (TTY) 202-663-4494, 1-800-669-4000
Email info@eeoc.gov,
Web: <http://www.eeoc.gov/contact/index.cfm>

Making a Report to the Police

A complainant may contact local law enforcement or the State Police directly, whether or not a complaint has been filed with the University. If requested, the University will provide assistance making this contact. Upon notice of the complaint the University's investigation will proceed regardless of whether a criminal matter is pending, though short delays may be allowed for outside law enforcement agencies to conduct their investigation.

Other Proceedings

The University's investigation is independent of any civil or criminal investigation or proceeding. The University's investigation and related proceedings may be carried out prior to, simultaneously with, or subsequent to any related civil or criminal proceeding and will not be subject to challenge or delay based on the grounds that criminal or civil proceedings involving the same incident have been dismissed, reduced or are pending. Action pursued through the criminal justice process is governed by the penal law and the criminal procedure law.

Timing of the Investigation

There is no time limit on when a complaint may be made. The University will conduct an investigation and make all efforts to provide a resolution of the investigation usually within sixty (60) days from the time the University receives notice. However, the resolution of a complaint may vary depending on the complexity of the investigation and/or extent of the alleged harassment or discrimination. The sixty (60) day time period does not include the time period for the appeal process.

Additional Rights for Reporting Individuals and Complainants in Sexual Assault, Dating Violence, Domestic Violence and Stalking Cases

- a. A reporting individual or complainant's identity shall remain private at all times if the reporting individual or complainant wishes to maintain privacy. Please see Section VII (A) above for further explanation.
- b. If the accused is an employee of the University, the complainant has the right to disclose the incident to Human Resources and the right to request a confidential or private employee to assist in the reporting.
- c. The right to receive assistance from an appropriate University representative on how to initiate legal proceedings in family or civil court.

- d. The right to withdraw a complaint or involvement from the University process at any time. The University may still have obligations pursuant to state and federal law to investigate the incident and take action. The complainant may participate in the process to whatever degree they wish.
- e. All parties have the right to be provided with information about available resources, including intervention, mental health counseling and medical services, including costs. The University will also provide information on sexually transmitted infections, sexual assault forensic examinations and resources available through the New York State Office of Victim Services.
- f. To have the University issue a “No Contact Order” in cases where the accused is a student, consistent with the procedures outlined in the *Code of Conduct* which also provides for prompt review.
- g. To be assisted by Public Safety in obtaining an Order of Protection or an equivalent protective or restraining order.
- h. To receive a copy of the Order of Protection or equivalent when received by the University and be provided with the opportunity to speak with a Public Safety Officer to answer questions and explain the provisions of the order.
- i. To receive assistance from Public Safety in effecting an arrest when an Order of Protection is violated.
- j. When the accused is a student who presents a continuing threat to the health and safety of the community, to subject the accused to interim suspension consistent with the *Code of Conduct*, which has a provision for prompt review.
- k. When the accused is not a student, but is a member of the University community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements and the policies of the University.
- l. To receive reasonable interim accommodations regarding academics, housing, employment, transportation or other applicable arrangements to help ensure safety, prevent retaliation and a hostile environment, consistent with the University’s policies.
- m. To request student conduct proceedings be filed against an accused student governed by this Policy in conjunction with the *Code of Conduct*, which include, among other things, the right to receive written notice of the charges, dates of meetings, the final determination, possible sanctions, to review the record, present witnesses and evidence and be accompanied by an advisor of choice to all meetings and the presumption that the respondent is not responsible until proven otherwise.
- n. To receive a prompt response to the complaint and have it investigated and adjudicated by impartial individuals who do not have a conflict of interest and who have been trained annually in conducting investigations involving sexual assault, dating violence, domestic violence and stalking, the effects of trauma, the need for impartiality, the rights of the accused and the presumption of “not responsible.”
- o. Both parties have the right to exclude their own prior sexual history with persons other than the other party to the proceedings or their own mental

health diagnosis and/or treatment from admittance into the disciplinary stage that determines responsibility. Past findings of dating violence, domestic violence, stalking or sexual assault may be admissible in the sanction stage.

- p. Both parties have the right to choose whether to disclose or discuss the outcome of the University proceedings and have information obtained during the proceedings protected from public release until the appeals panel makes a final determination, unless required by law.
- q. All issues regarding transcript notations are addressed in the *Code of Conduct*.
- r. Adelphi University has a Memorandum of Understanding with the Sexual Assault Nurse Examiner Program at Northwell Health (formerly North Shore Hospital) to provide forensic examinations in appropriate sexual assault cases.
- s. The University will conduct an anonymous Campus Climate Survey every other year to ascertain general awareness and knowledge of issues pertaining to sexual assault, dating violence, domestic violence and stalking, which will be developed using standard and commonly recognized research methods. The results of this survey will be published on the University website.
- t. Information regarding confidential and other available resources are addresses herein and posted on the University website under "Title IX and Sexual Respect."
- u. If an individual discloses information at a public awareness event the University is not obligated to initiate an investigation, but may use the information to inform education and prevention efforts.

VIII. PROCESS FOR RESOLUTION OF ALLEGATIONS OF DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING), AND/OR RETALIATION

Once a complaint or notice is received, it will be reviewed and reported to the Title IX Coordinator. Complainants will be asked to either complete a written complaint, or meet with a member of the University's Anti-Discrimination Panel. Impartial investigator(s) will then be assigned who will conduct an immediate preliminary investigation to determine if this Policy may have been violated. The investigator(s) will consider interim action, accommodations for the alleged victim, or other necessary remedial short-term actions. If it is determined that this Policy may have been violated, the University will initiate a prompt, thorough and impartial investigation, including effective remedies designed to end the discrimination, harassment, or retaliation, prevent recurrence and address the effects on the victim and the community.

To ensure a prompt and thorough investigation of a complaint, the complainant should provide as much of the following information as possible:

- A. The name, department, and position of the person or persons allegedly

engaging in discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and/or retaliation.

- B. A description of the incident(s) including the date, location and the identity of any witnesses.
- C. If the complainant is an employee, the alleged effect of the incident on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
- D. If the complainant is a student, the alleged effect of the incident on the complainant's academic standing, housing environment, or social status or other terms or conditions of the educational environment.
- E. The names of other persons who may have witnessed or been subject to the same or similar offenses.
- F. Any other information the complainant believes relevant to the discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation.

Actual or Constructive Notice

Regardless of whether a victim files a complaint or requests action, if the University has knowledge, or reasonably should know, about possible discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation, the University will conduct a prompt, thorough and impartial investigation. The University will also prepare a written record of the complaint if the complainant chooses not to file or verify a written complaint form to memorialize the details of the complaint.

IX. INVESTIGATIONS

Prior to commencing an investigation of a complaint of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation, the consent of the complainant, if known, shall be requested. If the complainant is under the age of eighteen (18) years, and does not attend a post-secondary institution, the parents or guardians of the complainant will be asked to provide consent for the investigation. Regardless of whether the consent of the complainant or a minor complainant's parents is given, the University has a duty to investigate allegations of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation.

Upon receipt of a complaint of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation, a trained investigator(s) will be assigned to investigate the allegations of the complaint. The investigator(s) will be assigned according to this Section IX based

upon who the accused individual might be. Before an interview of a member of a bargaining unit who has been accused of violating this Policy is conducted, the member will be advised that they are entitled to have a Union representative accompany them to the interview. The investigation will be conducted within a reasonable amount of time and will normally be completed within 60 days. However the investigation and resolution of a complaint may vary depending on the complexity of the investigation and/or the extent of the alleged harassment or discrimination. The investigation shall be conducted in a manner that is adequate, reliable and impartial and may include any of the following:

- interviews of the complainant and the accused,
- interviews of any witnesses,
- gathering of any other relevant information, including but not limited to, past complaints of a similar nature raised against either party.

The investigator will make every effort to keep the complainant timely informed about the status of the investigation.

Interim Measures

At any time during the investigation, the investigator may recommend reasonable interim protections or measures for the parties involved or witnesses. These protections and measures may include, but are not limited to, separating the parties, placing limitations on the parties, no contact orders, suspension, alternative workplace or student housing arrangements, transportation or reasonable academic adjustments.

These measures are available regardless of whether a complainant pursues a complaint under this Policy. When taking such interim measures the University will, to the extent practical, minimize the burden on the complainant. 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 the interim measures, including modifications and be allowed to submit evidence in support of the request.

A. Complaints Accusing Employees

The Title IX Coordinator/Director of Equity and Compliance or designee will investigate all Title IX complaints of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation accusing employees. (Title IX complaints include, but are not limited to, sexual assault, sexual misconduct, sexual harassment, dating violence, domestic violence, stalking, discrimination and harassment based on sex or gender.)

The Title IX Coordinator may assign investigators from the Anti-Discrimination Panel to investigate and resolve complaints of discrimination, harassment and/or retaliation accusing employees. Any employee who, after appropriate investigation, has been found to have violated this Policy, will be subject to disciplinary action, which may include reprimand, suspension from service for a stated period, with or without pay, termination of employment, or such other responsive actions deemed appropriate for the violation.

Recommendations for disciplinary action against faculty members accused of violations of this Policy will be forwarded to the Provost, who will initiate disciplinary proceedings in accordance with Article XIX of the Collective Bargaining Agreement between the University and the American Association of University Professors (AAUP). After completion of the proceedings, the Provost will issue an outcome letter to the faculty member with a copy to the Title IX Coordinator and the Associate Vice President for Human Resources and Labor Relations for their files.

B. Complaints Accusing Students

The Title IX Coordinator/Director of Equity and Compliance or designee will investigate all Title IX complaints of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/ or retaliation accusing students. (Title IX complaints include, but are not limited to, sexual assault, sexual misconduct, sexual harassment, dating violence, domestic violence, stalking and gender based discrimination or harassment.) Upon completion of the investigation, the investigative report will be forwarded to the Assistant Vice President & Dean of Student Affairs or designee. If there are sufficient grounds to proceed, the matter will be adjudicated consistent with the *Code of Conduct*.

The Assistant Vice President & Dean of Student Affairs or designee will investigate and resolve other complaints of discrimination, harassment and/or retaliation accusing students, consistent with the *Code of Conduct*.

In the event that provisions of the *Code* are inconsistent with legal requirements, the legal requirements will prevail. See the *Code of Conduct* at <http://operations.adelphi.edu/policies/code-of-conduct/>. Any student who, after an appropriate investigation and adjudication, has been found to be in violation of this Policy, will be subject to disciplinary action, which may range from a warning to expulsion, depending on the severity of the misconduct, the student's cumulative conduct record, institutional precedent, and other mitigating or aggravating circumstances.

C. Complaints Accusing Third-Parties and Complaints of Third Parties that Occur on any Campus, Campus Center or Site

Normally, the Director of Employment, Employee, and Labor Relations or the designated representative of the Associate Vice President for Human Resources

and Labor Relations will investigate complaints accusing non-students and non-employees of incidents related to the University's programs and activities and programs involving third parties that take place on any University campus or Campus Center. Examples include incidents involving visitors to the University, camps conducted by third parties on any University Campus or Campus Center or Site, vendors, and individuals at a field placement or internship. Any third-party who, after appropriate investigation, has been found to have violated this Policy, will be subject to restriction from University property, cancellation of vendor contracts, discontinued use of placement sites, or such other responsive actions deemed appropriate for the violation. Referrals may also be made to law enforcement, as appropriate.

X. DISPUTE RESOLUTION OPTIONS

If the complaint is for discrimination, harassment, and/or retaliation, then either an informal or formal resolution process may be used. However, a complaint involving sexual assault or physical violence of any kind cannot be resolved through mediation.

In either process the evidence to be considered may include: witness statements, information from the informal resolution process if one was conducted, other relevant information, and consideration of known patterns and previous history evidence. Each party will be apprised that they may be accompanied by an advisor or union representative if applicable.

Right to an Attorney

No University employee, student, or third party may be accompanied by an attorney unless:

- a. They are a complainant or respondent in a matter referred to the University Hearing Board pursuant to the *Code of Conduct*, or
- b. Criminal charges arising from the same incident have been filed, or
- c. The case involves allegations of sexual misconduct, dating violence, domestic violence and/or stalking. Both the complainant and the accused have the right to be accompanied by an advisor of their choice (which includes an attorney) to any related meeting or institutional disciplinary proceedings.

In such cases the role of the attorney or advisor of choice will be limited to private consultation with the complainant or respondent and the advisor of choice or attorney may not actively participate in the proceedings or meetings in any way.

A. Informal Resolution Process

Certain complaints of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking) and/or retaliation can be resolved through informal resolution procedures. These informal procedures may include, but not be limited to, an informal investigation, mediation, counseling, and/or any other means of resolving a complaint other than a formal resolution process. However, mediation cannot be used in cases of sexual misconduct. The use of the informal resolution process is voluntary and must be agreed to by the complainant, the accused, and the investigator(s). Either the complainant or the accused may end an informal process at any time and choose to pursue the formal resolution process, or the complainant can choose not to pursue the matter further.

The assigned investigator(s) will meet with the complainant to discuss the complaint and the process. The investigator(s) will explain to the complainant the nature of the informal resolution process and, if acceptable to the complainant, the investigator(s), whenever possible, appropriate and safe, will attempt to resolve the problem or complaint through an informal resolution process. The complainant will not be required to meet with the accused individual face to face. The informal resolution process attempts to resolve the issue with the complainant and the accused individual by mutual agreement, which will be reduced to writing. Once a mutually agreed upon resolution is suggested it will be reviewed, accepted, or modified by the Associate Vice President for Human Resources and Labor Relations in consultation with the Title IX Coordinator.

Once the recommendation for the informal resolution is approved, written notification will be sent by the Associate Vice President for Human Resources and Labor Relations promptly. The notification will specify the findings and the terms of the approved resolution. If either party is dissatisfied with the approved resolution, either may make a request within seven (7) business days of issuance of the written notification for formal resolution proceedings.

In cases involving faculty members all mutually agreed upon resolutions are subject to the approval of the union (unless the faculty member has declined their right to union representation). Recommendations for disciplinary action against faculty members accused of violations of this policy will be forwarded to the Provost who will initiate disciplinary proceedings in accordance with Article XIX of the Collective Bargaining Agreement between the University and the AAUP. After the completion of the proceedings the Provost will issue an outcome letter to the faculty member, with a copy to the Title IX Coordinator and the Associate Vice President for Human Resources and Labor Relations for their files.

B. Formal Resolution Process

If the complaint cannot be resolved informally, or if the action complained of is not appropriate for resolution through the informal resolution process, the investigation will continue to a formal resolution process.

If it is determined by the investigator(s) by a preponderance of the evidence that a violation of the Policy has occurred, then a recommendation for sanctions or other appropriate measures will be submitted to the Associate Vice President for Human Resources and Labor Relations for review, and will either be approved or modified.

The final outcome will be sent simultaneously and in writing to the complainant and to the respondent within ten (10) business days of the conclusion of the formal resolution process, except as outlined in the paragraph below. While the outcome of the complaint will be provided in writing to both the complainant and the respondent, certain disciplinary action taken against the respondent as a result of the investigation may be kept confidential from the complainant as required by law.

Recommendations for disciplinary action against faculty members accused of violations of this Policy will be forwarded to the Provost who will initiate disciplinary proceedings in accordance with Article XIX of the Collective Bargaining Agreement between the University and the AAUP. After the completion of the proceedings, the Provost will issue an outcome letter to the faculty member with a copy to the Title IX Coordinator and the Associate Vice President for Human Resources and Labor Relations for their files.

C. Appeal Process

An appeal of a complaint accusing a student is governed by the *Code of Conduct*: <http://operations.adelphi.edu/policies/code-of-conduct/>. Either the complainant or the accused individual may request an appeal of the findings of the University regarding the formal resolution process. A request for such an appeal that is associated with a complaint accusing employees and others must be submitted in writing to the Associate Vice President for Human Resources and Labor Relations or designee within three (3) business days of the receipt of the original outcome. If no request is made in that time, then the decision is rendered final and the parties will be simultaneously so informed. An appeal of the decision may be considered if one of the following grounds is present:

1. A procedural error has occurred that significantly impacted the outcome (e.g. substantiated bias, material deviation from established procedures, etc.). This error must be described in the letter requesting an appeal. Minor or harmless deviations from the process will not invalidate the proceedings;
2. The discovery of significant and relevant new information that was unavailable during the original process, which has become available and could impact the outcome. A summary of this new evidence, why it was previously unavailable and its potential impact must be included in the request for an appeal;

3. The sanction imposed is clearly not appropriate for the violation.

Once a request for an appeal, as defined above, is received, a decision will be rendered on eligibility for appeal usually within ten (10) business days.

If grounds are not met, the request for an appeal will be denied with no further appeal through this Policy and the parties will be simultaneously so informed.

If appropriate grounds are present, these will be presented to an appellate body (Appeal Panel) composed of three members of the Anti-Discrimination Panel, or will be returned to the investigator(s) for reconsideration. Regardless of whether all parties request an appeal, the complainant and accused individual will be made aware of, and permitted to participate in, the appeal as it will be the only appeal conducted and its conclusion will be final. Where the complainant and accused individual each request to appeal on different grounds, those grounds will be consolidated into one appeal process.

Whenever possible, reconsideration by the investigator(s) or original hearing body is preferred, as their familiarity with the complaint makes them better able to determine responsibility and to assign appropriate sanctions. An Appeal Panel will make changes to the finding only where there is clear procedural error and changes to the sanction(s) only if there is a compelling justification to do so.

An appeal proceeding will include all parties to the complaint and all related documents. The Appeal Panel will be solely responsible for determining who should participate, what information is needed, and how proceedings will be structured.

Because the scope of the appeal proceedings is limited to the allowable grounds, full re-hearings are exceptionally rare. A successful appeal permits the original deciding body or investigator(s) to consider ONLY the matter resulting in a remand, such as the new evidence, or to address ONLY those other grounds that were determined to be present and significant. If an appeal is heard, then the final outcome of the appeal will be communicated simultaneously to the parties usually within five (5) business days following deliberations.

D. Standard of Proof for Resolution Processes

The standard of proof for all determinations and findings regarding the provisions of this Policy shall be the preponderance of the evidence. The preponderance of the evidence means such evidence that, when considered and compared with that opposed to it, is more convincing, creating the belief that what is sought to be shown is more likely than not to have occurred.

XI. THE ANTI-DISCRIMINATION, HARASSMENT (INCLUDING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING), AND RETALIATION PANEL (“ANTI-DISCRIMINATION PANEL”)

The Anti-Discrimination Panel, which includes the Title IX Coordinator, is a diverse group of individuals composed of Adelphi employees who have been selected and trained on issues related to this Policy. A current list of the Anti-Discrimination Panel members will be maintained and made available at: <https://hr.adelphi.edu/title-ix/university-policy/section-xi/>.

Among other responsibilities, each individual of the Anti-Discrimination Panel may assume the following roles:

- Meet with individuals who allege that they have been the victim of discrimination, harassment (including sexual misconduct, dating violence, domestic violence, stalking), and retaliation;
- Discuss appropriate next steps;
- Refer the complainant to the appropriate resources for assistance;
- Serve as an investigator;
- Serve on an Appeal Panel only if he or she has not been previously involved as an investigator in the case.

The Title IX Coordinator will serve as the Coordinator of the Anti-Discrimination Panel and will assure that Panel members do not serve in conflicting roles in the same complaint. In cases of allegations involving the Coordinator, the Coordinator will be recused from the Panel, and the Director of Employment, Employee and Labor Relations will fill the Coordinator’s role until the complaint is resolved. Any panelist subject to accusations under this Policy will also be recused during the resolution of the complaint. The Title IX Coordinator will keep other Panel members informed of recent legal decisions and other related issues, assure that each member has been appropriately trained before assuming active membership on the panel, and update and disseminate the Policy.

The following are the names and contact information of the Anti-Discrimination Panel members to whom complaints or concerns may be directed. This list is subject to change:

- | | |
|---------------|---|
| Lisa Araujo | Associate Vice President for Human Resources and Labor Relations, Levermore Hall, Room 203, araujo@adelphi.edu , 877-3230 |
| Les Baltimore | Senior Associate Provost/Academic Affairs, Levermore Hall, Room 303, baltimore@adelphi.edu , 877-3142 |

Fabian Burrell	Instructional Designer, Faculty Center for Professional Excellence, Alumnae Hall, fburrell@adelphi.edu , 877-4224
Joseph De Gearo	Assistant Dean of Student Affairs, University Center, Room 308, degearo@adelphi.edu , 877-3654
Jane Fisher	Director, Employment, Employee & Labor Relations, Levermore Hall, Room 203, fisher2@adelphi.edu , 877-3222
Perry Greene	Vice President for Diversity and Inclusion, Levermore Hall, Room 101, greene@adelphi.edu , 877-4041
Rosa Guerrero	Title IX Compliance Investigator, Levermore Hall, Room 203, rguerrero@adelphi.edu , 877-8684
Della Hudson	Associate Dean of Student Affairs, University Center, Room 108, hdudson@adelphi.edu , 877-3661
Rhonnie Jaus	Title IX Coordinator, Director, Equity and Compliance, Levermore Hall, Room 203, rjaus@adelphi.edu , 877-4819
Jeffrey Kessler	Assistant Vice President and Dean of Student Affairs, University Center, Room 108, kessler@adelphi.edu , 877-3151
Annette Leone	Senior Human Resources Generalist, Levermore Hall, Room 203, leone2@adelphi.edu , 877-3228
Anthony Maldonado	Senior Human Resources Generalist, Levermore Hall, Room 203, amaldonado@adelphi.edu , 877-3223
James McGowan	Executive Director of Off-Campus Administration, Levermore Hall, Room 304, mcgowan2@adelphi.edu , 877-3162
Ruth McShane	Assistant Dean, College of Arts & Sciences, Science Building, Room 127, mcsbane@adelphi.edu , 877-4121
Camille Pajor	Student Conduct Coordinator, Student Conduct and Community Standards, University Center, Room 308, cpajor@adelphi.edu , 877-3940
Guy Seneque	Director of Residential Life and Housing, Earle Hall A, Room 100 seneque@adelphi.edu , 877-3651

Adam Visconti Assistant Director of Residential Life and Housing, Earle Hall
A, Room 100 avisconti@adelphi.edu. 877-3671

Kateri Whalen Senior Associate Athletic Director, Center for Recreation and
Sports, Room 220, kwhalen@adelphi.edu, 877-4235

XII. FALSE COMPLAINTS

A complainant who knowingly makes untrue allegations against another member of the University community or third party may be subject to disciplinary action. An inquiry into a false complaint may be considered in a separate complaint and resolved through a separate investigation.

XIII. POLICY REVIEW

Typically, this Policy will be reviewed for possible revision every three years, or as otherwise necessary.

XIV. RECORDS

Employee records will be maintained for seven years. Records pertaining to students will be maintained for seven years after the student's graduation or after seven years of academic inactivity, or in the event of suspension/expulsion, will be kept indefinitely.

XV. APPENDIX

A. Students' Bill of Rights

The following can also be accessed at: <http://hr.adelphi.edu/title-ix/student-bill-of-rights>.

In cases involving sexual assault, dating violence, domestic violence and/or stalking, all students have the right to:

1. Make a report to the local law enforcement and/or the state police;
2. Have disclosures of sexual assault, dating violence, domestic violence and/or stalking taken seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the University;
4. Participate in a process that is fair, impartial and provide adequate notice and meaningful opportunity to be heard;

5. Be treated with dignity and to receive from the University courteous, fair and respectful healthcare and counseling services where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few University representative as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the University;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and the practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the University.