



## **Title IX and Sexual Misconduct Policy**

Adelphi is a community committed to achieving diversity and inclusiveness, and to fostering a constructive environment where all our members benefit from learning and working together. Through the lens of this commitment, below is an excerpt from the Adelphi University Title IX and Sexual Misconduct Policy that clearly states our principles in this area:

Sexual misconduct and retaliation of any type will not be tolerated at Adelphi University. Upon notice, the University will act to: end the sexual misconduct and/or retaliation; prevent its recurrence; and remedy the effects of the alleged conduct.

This policy is more than just words—it is embedded in our culture. All members of our community are welcome and encouraged to be their authentic selves, and in turn we expect that this respect will be given to others.

Adelphi is a safe place to learn, work and grow as an individual, and we uphold each community member's right to a welcoming and safe environment.

To file a complaint, fill out the [online reporting form](#). For emergency assistance, contact the Department of Public Safety and Transportation at (516) 877-3511, or dial 5 from a campus phone.

Your complaint can be filed anonymously, however information provided may be shared with the person(s) accused. Although absolute confidentiality cannot be guaranteed 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.

We are here to support you and ensure your success at Adelphi University.

# **Title IX and Sexual Misconduct Policy**

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## **I. STATEMENT OF POLICY AND NON-DISCRIMINATION**

Adelphi University (the “University”) is proud of its work and academic environment and strives 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. Sexual misconduct and retaliation of any type will not be tolerated at Adelphi University. Upon notice, the University will act to: end the sexual misconduct and/or retaliation; prevent its recurrence; and remedy the effects of the alleged conduct.

This Policy prohibits sexual misconduct and retaliation, including matters that fall within the scope of Title IX. The University will make this Policy available in various and appropriate places on campus and on the University website.

The University’s [Prohibited Discrimination and Harassment Policy](#) prohibits discrimination on the basis of sex and gender, as well as discrimination and harassment on other protected bases.

In accordance with Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), the University does not discriminate on the basis of sex in the education program or activity that it operates, including admissions and employment. Any inquiries about the application of Title IX and related issues of sex discrimination may be referred to the University’s Title IX Coordinator, the U.S. Department of Education’s Assistant Secretary for Civil Rights, or both.

### **Adelphi University**

Allison Vernace

Title IX Coordinator,

Director of Equity and Compliance

One South Avenue

Levermore Hall, Room 207

Garden City, NY 11530

Telephone: 516-877-4819

Email: [titleix@adelphi.edu](mailto:titleix@adelphi.edu)

### **U.S Department of Education**

Office for Civil Rights

400 Maryland Avenue, SW

Washington, D.C., 20202-1100

Telephone: 1-800-421-3481

Fax: ~~202-453-6012~~  
Fax: 202-453-8012

TDD: 1-800-877-8339

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Additional, external, reporting options are provided below:

### **New York State Division of Human Rights**

DHR’s main office contact information is:

NYS Division of Human Rights, One Fordham Plaza, Fourth Floor

Bronx, New York 10458

(718) 741-8400 or (888) 392-3644

### **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@eoc.gov](mailto:info@eoc.gov).  
Web: <http://www.eoc.gov/contact/index.cfm>

Sex discrimination and sexual misconduct, 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.

The University is committed to preventing, investigating, and remedying violations of this Policy. Members of the community who perpetrate prohibited behavior 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 the University's 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 sexual misconduct and/or retaliation are protected by these policies and procedures.

## **II. SCOPE OF POLICY**

### **A. Who is Covered by this Policy**

This Policy applies to: students and all employees (including faculty and staff); visitors, guests, campers and others involved in the University's academic, educational, recreational, and living programs; alumni; 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; and subcontractors. All of these groups are included in the terms "University community" and "campus community" used throughout this Policy.

The protections in this policy apply to the campus community regardless of an individual's race, creed, color, national origin, sex, gender identity, gender expression, age, marital status, disability, ethnicity, sexual orientation, predisposing genetic characteristics, religion, pregnancy, military status, veteran status, status as a victim of domestic violence, immigration/citizenship status, arrest and/or conviction record, sex stereotypes, sex characteristics, pregnancy or related conditions, or sexual and reproductive health decisions or any other basis protected by applicable local, state or federal laws.

### **B. What Conduct is Covered in this Policy**

This Policy addresses both sexual misconduct and other prohibited misconduct. Sexual Misconduct is an umbrella term used to describe all prohibited sexual misconduct addressed in this Policy. Under this Policy sexual misconduct, matters may be addressed as either "Title IX Sexual Harassment," or "Non-Title IX Sexual Harassment".

Retaliation and any other related non-sexual prohibited misconduct will be referred to as “other prohibited misconduct.” This Policy adheres to the guidelines set forth in the 2020 Title IX Regulations which mandate a specific procedure for the investigation, resolution, and adjudication of allegations of Title IX Sexual Harassment (“Title IX grievance procedure”). The Title IX regulations state that educational institutions may still prohibit sexual misconduct that falls outside the narrow definition of Title IX Sexual Harassment and Adelphi will continue to prohibit, investigate, and adjudicate such conduct – for example, conduct that has a reasonable connection to Adelphi but occurs outside Adelphi’s education program or activity, conduct that occurs outside the United States or unwelcome physical or verbal conduct of a sexual nature that does not meet the definition of the severe, pervasive, and objectively offensive standard.

Sexual misconduct, 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.

This Policy applies to all allegations of sexual misconduct that have a reasonable connection to the University, whether the conduct occurred:

- On campus (including all campuses and/or Campus Centers or sites), or
- Off campus or while studying abroad. Covered off-campus conduct that has a reasonable connection to the University may include, but is not limited to:
  - University-sponsored events that occur off-campus;
  - Off-campus incidents that have an on-campus impact or affect members of the campus community regardless of where the incident occurred;
  - 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.

This Policy also applies to prohibited conduct that takes place online or through electronic means, such as social networking sites, when such conduct utilizes University resources (such as University hardware, University operated digital platforms or internet networks), causes a substantial disruption to University operations/mission, has an on-campus impact, and/or affects members of the campus community.

### **III. DEFINITIONS**

#### **A. Prohibited Conduct Covered under this Policy**

##### **Coercion**

Unreasonable pressure to engage in sexual activity.

##### **Dating Violence**

As defined by VAWA at 34 U.S.C. § 12291(a)(10), means violence 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 a consideration of the following factors: (i) the length of the relationship; (ii) the type of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

### **Domestic Violence**

As defined by VAWA at 34 U.S.C. § 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim. Pursuant to New York State law, parties may be considered to be in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship as noted under N.Y. Social Services Law Section 459-A.

### **Force**

The use of physical violence and/or imposing on someone physically to engage in sexual activity. Force can also include threats, intimidation, or coercion used to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity.

### **Intimidation**

Implied threats that reasonably cause another individual to fear for that individual’s safety or well-being.

### **Non-Title IX Sexual Misconduct**

Is an umbrella term used to refer to all prohibited sexual misconduct that does not meet the definition of Title IX Sexual Harassment.

### **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 intimidation, threats, coercion or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because of the individual’s report or complaint, testimony, assistance or participation (or lack of participation) in any manner in an investigation or proceeding under this Policy.

Under no circumstances will Adelphi University tolerate any retaliation against an individual or group for making a sexual misconduct complaint 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.

Retaliation is considered “other prohibited misconduct” and will be handled under the “Non-Title IX Sexual Misconduct” procedures identified herein.

### **Sexual Assault**

As defined by VAWA at 34 U.S.C. § 12291(a)(35), any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent This includes rape, sodomy, criminal sexual contact, incest and statutory rape.

Sexual assault (contact): The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor’s clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

Sexual Assault (penetration) – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object without the consent of the victim.

### **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 or videos 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 infection (STI) 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 which includes the derivation of sexual gratification through compulsive display of one's genitals.

### **Sexual Harassment**

Unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex. Conduct is considered unwelcome if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

This includes, but is not limited to situations when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience;
- Submission or rejection of such conduct is used as a basis for a decision regarding an employment, academic or other University-related activity affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or participation in a University program, department or extra-curricular activity;
- Subjects an individual to inferior terms, conditions or privileges of employment; or
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working, learning, studying or school environment.

For the purposes of this definition, sex encompasses sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression and sexual and reproductive health decisions.

Sexual harassment need not be severe or pervasive and can be harassing conduct that consists more than petty slights or trivial inconveniences.

#### Examples of Sexual Harassment

- Physical acts of a sexual nature, such as: touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body;
- Unwanted sexual advance or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning job performance, academic performance, a promotion, or other benefits or detriments
- Subtle or obvious pressure for unwelcome sexual activity;
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment;
- Sexual or discriminatory displays or publications anywhere in the workplace, such as: posters, calendars, reading materials that are sexually demeaning or pornographic, etc.

#### **Sexual Misconduct**

Is an umbrella term used to describe all prohibited sexual misconduct addressed in this Policy. Prohibited sexual misconduct may be addressed as either a Title IX Sexual Harassment matter or a Non-Title IX Sexual Misconduct matter, pursuant to the definitions herein.

#### **Stalking**

As defined by VAWA at 34 U.S.C. § 12291(a)(36), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

#### **Title IX Sexual Harassment**

Under Title IX, specifically 34 C.F.R. § 106.30, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:age

(1) A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity<sup>1</sup>; or

(3) Sexual assault, dating violence, domestic violence, or stalking, as defined herein.

## **B. Other Definitions**

### **Advisor**

An individual who may be, but is not required to be, an attorney and that is selected by each party to accompany the party to meetings or a hearing, to advise the party, and to conduct cross-examination for the party at the hearing, if any. If a party does not have an advisor present at a hearing, the University will appoint an advisor for purposes of conducting cross-examination.

### **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.

1. Consent to any sexual act of prior consensual sexual 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 a 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.
5. Consent cannot be given when it is the result of any coercion, intimidation, force of threat or harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.

### **Bystander**

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<sup>1</sup> Please note that categories 1 and 3 do not require elements of severity, pervasiveness, or objective offensiveness. Severity, pervasiveness, and objective offensiveness must be evaluated in light of the known circumstances and depend on the facts of each situation but must be determined from the perspective of a reasonable person standing in the shoes of the complainant.

A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of this Policy, University rules, or other University policies.

**Complainant**

An individual who is alleged to be the victim of conduct that could constitute sexual misconduct prohibited by this Policy.

**Confidentiality**

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.

**Determination**

A finding by a decision maker containing the required information under 34 CFR § 106.45(b)(7), including a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the University’s education program or activity are to be provided to the complainant.

**Disciplinary Sanction**

A consequence imposed by the University on a respondent who is found to have violated this Policy.

**Education Program or Activity**

For purposes of 34 C.F.R. §§ 106.30 and 106.45, the University’s education program or activity includes locations, events or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged Title IX sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

**Formal Complaint**

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the University investigate the allegation or proceed via informal resolution. A formal complaint initiates the grievance process under this Policy.

**Hearing Panel**

The decisionmaker in the University's formal grievance process, which issues a determination and sanctions, as necessary and appropriate, as defined herein.

### **Incapacitation**

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 they are 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.

### **Investigator**

Individual(s) appointed by the Title IX Coordinator or their designee to investigate the allegations of prohibited conduct. Investigators analyze and document available evidence, including witness statements; objectively evaluate the credibility of parties and witnesses; synthesize all available evidence, including both inculpatory and exculpatory evidence; and take into account the unique and complex circumstances of each case. Investigators are also charged with creating an investigative report that fairly summarizes relevant evidence.

### **No-Contact Order**

A University directive prohibiting contact between and 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. Continued intentional contact after the no-contact order is issued is a violation of University policy for failure to follow directives and may also constitute retaliation as defined herein. Violation of a No-Contact Order may subject the violator to discipline.

### **Notice**

Notice means that an individual informs the Title IX Coordinator or other Official with Authority of the alleged sexual misconduct. *If an individual discloses*

*information at a public awareness event, the University will not be considered “on notice” for purposes of responding to the report, but may use the information to inform education and prevention efforts.*

### **Official with Authority**

An employee of the University who has the authority to implement corrective action on behalf of the University.

### **Party or Parties**

Party refers to a complainant or a respondent; and parties include the complainant(s) and respondent(s), collectively.

### **Preponderance of the Evidence**

The standard of proof used for all determinations and findings under 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.

### **Privacy**

Privacy may be offered by an individual when such individual is unable to offer confidentiality under the law or this Policy, but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws or this Policy, including informing appropriate University officials.

### **Remedies**

Remedies are actions taken by the University, after the respondent has been found responsible through the processes set forth in this Policy, designed to restore or preserve equal access to the University’s education program or activity. Remedies can be the same as supportive measures but need not be non-disciplinary or non-punitive and need not avoid burdening respondent.

### **Report**

A report is made to the Title IX Coordinator and is verbal or written, by any person, alleging prohibited conduct. Such a report can be made at any time in person, by mail, by phone, or by electronic mail. A report is not the same as a complaint or a formal complaint and will not initiate the processes set forth in this Policy.

### **Reporting Individual**

Any individual who reports an alleged violation of this Policy to the Title IX Coordinator. This may or may not be the same as the complainant, a witness, or a bystander.

**Respondent**

An individual who has been reported to be the perpetrator of sexual misconduct or other conduct prohibited by this Policy.

**Supportive Measures**

Non-disciplinary and non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a complaint or formal complaint or where no complaint or formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter prohibited conduct. See Section VII for additional information.

**Title IX Coordinator**

For purposes of this Policy, Title IX Coordinator refers to the Title IX Coordinator and/or their designee.

**IV. 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, faculty, 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.

Violations of this will be considered a violation of the University's prohibition on sexual harassment regardless of whether the underlying activity or relationship was consensual or not. The University will respond to all reports of prohibited or inappropriate sexual, amorous or romantically intimate behavior. An investigation into a violation will typically proceed as a Non-Title IX matter, unless the circumstances warrant otherwise.

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.

## **V. REPORTING OUTSIDE THE UNIVERSITY**

### **A. 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; a complainant may also decline to notify law enforcement. It is important to preserve evidence as may be necessary to prove crimes or in obtaining an order of protection. 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.

### **B. 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.

## **VI. REPORTING TO THE UNIVERSITY**

### **A. Where to Report**

Any employee, student, or third party who believes that they may have been subjected to sexual misconduct or other prohibited misconduct 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 and Transportation (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.

Complaints should be directed to:

Allison Vernace, Title IX Coordinator and Director of Equity & Compliance;  
or

Rebecca Mohan, Deputy Title IX Coordinator

[TitleIX@adelphi.edu](mailto:TitleIX@adelphi.edu)

Levermore Hall, Room 207  
516-877-4819

Online Reporting:

[https://cm.maxient.com/reportingform.php?AdelphiUniv&layout\\_id=20](https://cm.maxient.com/reportingform.php?AdelphiUniv&layout_id=20)

To file a complaint involving the Title IX Coordinator/Director of Equity & Compliance, please direct your complaint to Human Resources, at [humanresources@adelphi.edu](mailto:humanresources@adelphi.edu), Levermore Hall, Room 203, or 516-877-3220. Anyone who reports misconduct to the above resources will be informed about the process as outlined in this Policy.

**B. “Responsible Employees” and Cooperation in the Process**

All members of the University community, including students, faculty, and staff are strongly encouraged, if not required to report all violations of this Policy and cooperate in the application of this Policy, including any investigation under this Policy. University community members are expected to acknowledge and respond to requests for information from University officials or their designees in a timely fashion, as well as be available for discussions with such individuals. 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.

Certain University employees are required to report conduct in violation of this Policy. Employees who are obligated by this Policy to share knowledge of alleged sexual misconduct or other prohibited misconduct with the Title IX Coordinator are referred to as “responsible employees.”

All persons who act in a supervisory, managerial, or instructional role are responsible employees, and are required to report conduct in violation of this Policy. Responsible employees include, but are not limited to:

- Public safety officers
- Faculty
- Deans
- Resident assistants
- Assistant directors in residential life
- Staff
- Senior administrators
- Supervisors

Upon learning of an allegation of sexual misconduct or other prohibited conduct, responsible employees are required to promptly report all relevant details shared by the reporting individual to the Title IX Coordinator/Director of Equity & Compliance. A responsible employee will strive to maintain the privacy of those involved, and information reported to the responsible employee will be shared only with those having a need to know such information in order to respond in accordance with University policy. Responsible employees can be held responsible for actions or inaction that obstructs the application of this Policy.

### **C. Confidential Research Exception**

The requirements with respect to reporting and cooperation outlined above 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 specified by IRB). 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 Transportation 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:

- Sexual Assault, What every Adelphi student needs to know
- Sexual Assault, What every Adelphi employee needs to know
- Domestic Violence, Dating Violence and Stalking, What every Adelphi student needs to know
- Domestic Violence, Dating Violence and Stalking, What every Adelphi employee needs to know

These brochures can be found at

<https://www.adelphi.edu/safety-transportation/security-awareness-crime-prevention-and-reporting/brochures/>

### **D. Reports Involving Minors**

Adelphi is committed to the prevention of child abuse. Child abuse includes both the physical and sexual abuse of individuals under the age of eighteen. All 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.

### **E. Confidentiality and Privacy in the Reporting Process**

Confidentiality will be maintained to the extent required by law and to the extent possible given the University's obligations under the law and 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.

### **1. 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 who still wish to speak with someone, can utilize the confidential on-campus resources of the:

- Student Counseling Center (as well as off campus mental health providers listed on the University website)
- Student Health Services
- Campus Chaplains

These resources are subject to legal confidentiality obligations that prohibit the release of information without the express consent of the individual.

### **F. 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 sexual 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 University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating 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 domestic violence, dating violence, stalking, or sexual assault.

### **G. Response to Report**

Once the Title IX Coordinator receives notice of an incident of sexual misconduct and/or other prohibited conduct the Title IX Coordinator will promptly conduct an initial assessment and advise the reporting individual of their right to right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution

from retaliation for reporting an incident; and to receive assistance and resources from your institution.

Upon meeting with the reporting individual, the Title IX Coordinator will, as part of the initial assessment:

- Determine whether the allegations, if true, constitute prohibited conduct under this Policy. If so, the Title IX Coordinator will evaluate whether the allegations, if true, meet the definition of Title IX Sexual Harassment or in the alternative, Non-Title IX Sexual Misconduct or other prohibited misconduct.
- Regardless of if the allegations fall within the scope of Title IX Sexual Harassment, the Title IX Coordinator will contact the complainant and provide them with a written explanation of their rights and options with respect to the report.
- The Title IX Coordinator will discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, and inform the complainant of the availability of supportive measures regardless of whether a formal complaint is ever filed. At the time that supportive measures are offered, the Title IX Coordinator will inform the complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already, as well as the process for doing so.
- The Title IX Coordinator will work with the complainant to determine whether the complainant prefers only a supportive response, whether the complainant would like to proceed with a formal grievance process, or if applicable, whether there is an option for resolution through the informal resolution process. For more information on filing a formal complaint and the informal resolution process, see Section IX and X.

## **VII. SUPPORTIVE MEASURES, EMERGENCY REMOVALS AND NO CONTACT ORDERS**

### **A. Supportive Measures**

Supportive measures are non-disciplinary and non-punitive individualized services provided to a party as appropriate, and as reasonably available, and without fee or charge, which are designed to restore or preserve equal access to the University's education program or activity for that party without unreasonably burdening the other party. Such measures include those designed to protect the safety of all parties or the University's educational environment as well as measures to deter prohibited conduct under this Policy. Supportive measures can range from referral to supportive services such as counseling or medical services to class/housing/office modifications, withdrawals, leaves of absence, and no-contact orders.

A formal complaint is not required to access supportive measures. Provided it has notice or it is otherwise aware of prohibited conduct, the University (through the Title IX Coordinator) will contact the parties to discuss the availability of supportive measures. The Title IX Coordinator will work with the parties to determine their requests for supportive measures and confirm that such requests are considered.

The determination of appropriate supportive measures is based on the facts and circumstances of each individual situation. Supportive measures may include but are not limited to:

- Providing campus escort services;
- Modifications to work or class schedules;
- Extensions of deadlines or other course-related adjustments;
- Changes to work, academic, housing, living, transportation, or other applicable situations including changes in residence hall assignments or office locations;
- Referral to academic support services, such as tutoring;
- Referral to counseling, medical and/or other healthcare services;
- Assisting with course-related adjustments such as extensions of deadlines;
- Assisting with coordinating leaves of absence;
- Establishing restrictions on contact between the parties (no-contact orders);
- Increased security, supervision or monitoring of certain areas of the campus;
- and
- Other similar measures or any other actions deemed appropriate

The University will review the facts and circumstances of each case and will implement measures in a way that does not unreasonably burden the other party. Upon written request and in accordance with University policies, a party may seek prompt review of the need for/terms of provided supportive measures to the extent the challenged supportive measure has a direct impact on them. This request should include the basis for the request and any supporting evidence. A party may also ask for review of a request for additional supportive measures and submit evidence in support of the request. Such requests should be submitted in writing to the Title IX Coordinator. The other party will have the right to respond to the request for review to the extent the relevant supportive measure has a direct impact on them.

## **B. Emergency Removals**

If the Title IX Coordinator, in consultation with other University administrators as needed, determines based on an individualized safety and risk analysis that an immediate threat to the physical health or safety of any individual justifies it, the University will remove a respondent from its education program or activity on an emergency basis. Such a removal may be, but is not limited to, the interim suspension of a student.

In determining whether an interim suspension is appropriate based on an allegation of prohibited conduct, the University will consider, among other things, the following factors:

- Whether there have been other sexual misconduct reports, complaints, or formal complaints about the same respondent;
- Whether the incident involves a weapon or violence;
- Whether the respondent has a history of arrests or disciplinary records;
- Whether the incident represents an escalation in and unlawful conduct on behalf of the respondent from previously noted behavior; and
- Whether there is an increased risk that the respondent will commit additional acts of violence.

The University will provide the respondent with written notice and an opportunity to challenge the University's decision immediately following the removal. Both parties may request a review, reasonable under the circumstances, of the need for and terms of an emergency removal, including potential modification, and may submit evidence in support of their request to the Title IX Coordinator. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond in writing and to submit evidence relevant to the request if desired.

The implementation and terms (such as the conditions or duration) of the emergency removal are at the discretion of the Title IX Coordinator and/or the Vice President for Student Affairs and Diversity, Equity, Inclusion and Belonging, and/or the Provost and/or Human Resources. Individuals who fail to comply with an emergency removal order or any other interim measures may be subject to discipline. Sanctions may include, but are not limited to, expulsion or termination from the University.

The University may also place a non-student employee respondent on administrative leave at its discretion and/or in accordance with federal and state laws.

### **C. No-Contact Orders**

All no-contact orders will be mutual – i.e. neither party involved will be permitted to contact the other party -- unless the Title IX Coordinator determines, in their discretion and after a fact-specific analysis, that a non-mutual order is appropriate. The Title IX Coordinator will issue any no-contact order in writing, specifying the terms of the no-contact order, including the parties' responsibilities. The parties 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 their request. Any such requests should be submitted to the Title IX Coordinator. The Title IX Coordinator will notify the other party and conduct a prompt review in response to such request.

Violations of a no-contact order issued pursuant to this Policy are grounds for discipline including but not limited to expulsion or termination from the University.

## **VIII. RIGHTS UNDER THIS POLICY**

### **A. Advisors**

During all meetings related to this process the parties may have one (1) advisor of their choice and one (1) faculty or university advocate present. Unionized employees are permitted one (1) union representative and one (1) advisor of choice or university advocate. All parties are permitted a maximum of two (2) people, as identified above, to accompany them through the grievance process.

The role of the advisor of choice, faculty or university advocate, and union representative is narrow; they may attend and help a party prepare for all proceedings, such as meetings, interviews, and hearings. The advisor of choice, faculty/university advocate, and/or union representation may consult with the party throughout the process, including during interviews and hearings, but are not permitted to ask or answer any questions on the party's behalf during proceedings. The Parties themselves must answer all questions. Direct and cross-examination questions during a hearing; will be asked by an advisor because Parties are not permitted to personally do so. Except for direct and cross-examination during a hearing, advisors cannot actively participate or speak on behalf of the parties or act as a proxy for any party. The advisor of choice may be but is not required to be an attorney. Costs incurred by having such an advisor are the Party's responsibility.

If a party does not have an advisor present for a hearing, Adelphi will appoint an advisor of Adelphi's choice, free of charge, to conduct cross-examination on behalf of that party. Accommodations, including scheduling of the process, generally will not be made for any advisors if they unduly delay the process, as determined by the Title IX Coordinator. The University reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Title IX Coordinator. All advisors, faculty/university advocates and union representatives are required to abide by the university's rules of decorum.

### **B. Reviewing Evidence**

Both parties and their advisors will have the opportunity to inspect, review and respond to any evidence obtained as part of the investigation that is directly related to the allegations, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a part or other source.

### **C. Presumption of Non-Responsibility**

There is a presumption that a respondent is not responsible for the alleged prohibited conduct. The burden of proof as well as the burden to gather evidence sufficient to reach a determination regarding responsibility rests on the University and not the parties.

**D. Standard of Proof**

The evidentiary standard for determining whether sexual misconduct or other prohibited conduct has occurred in violation of the Policy is a *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.

**E. Reasonably Prompt Timeframe**

The University will investigate and make all efforts to provide a resolution of a complaint, including investigations and grievance processes, but excluding the appeal process, within sixty (60) to ninety (90) business days from the time the University receives a complaint. However, the resolution of a complaint may vary depending on the complexity of the investigation and/or extent of the alleged sexual misconduct or other prohibited misconduct.

Although there is no time limit on when a report or complaint may be made, the University’s ability to respond or investigate may be limited when there is a significant delay in reporting. For Title IX sexual harassment matters, a Complainant must be participating in or attempting to participate in Adelphi’s education program or activity at the time the Formal Complaint is filed.

**F. Students’ Bill of Rights**

See section XVII for a full list of the Students’ Bill of Rights.

**IX. FILING A FORMAL COMPLAINT**

A formal complaint, as defined herein, may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, using the contact information listed in this Policy. The University will promptly investigate formal complaints and follow a grievance process that complies with 34 C.F.R. § 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

For Title IX Sexual Harassment, to file a formal complaint, the complainant must be participating or attempting to participate in the University’s education program or activity at the time the formal complaint is filed. A formal complaint must contain the complainant’s physical or digital signature or provide an indication that the complainant is the individual filing the formal complaint.

The University will inquire about a complainant's desired resolution method, if any, prior to initiating an investigation into the complaint. A complainant's wish to not proceed will be honored unless the Title IX Coordinator determines in good faith to investigate and adjudicate the allegations does not adequately mitigate a potential risk of harm to the complainant or ensure the safety of other members of the University community, or comply with state or federal law. Honoring a request not to proceed with the grievance process may limit the University's ability to meaningfully investigate and pursue disciplinary action against a respondent. Factors used to determine whether to honor a complainant's request include but are not limited to:

- Whether the respondent has a history of violent behavior, a pattern of misconduct or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the respondent from previously noted behavior;
- The increased risk that the respondent will commit additional acts of violence;
- Whether the respondent used a weapon, violence, or force;
- Whether the complainant is a minor;
- Whether the University possesses other means to obtain evidence such as security footage; and
- Whether available information reveals a pattern of perpetration at a given location or by a particular group.

The Title IX Coordinator has ultimate discretion to determine whether the University will proceed with a grievance process when the complainant requests otherwise.

After a good faith determination is made about the University's need to move forward with a complaint when a complainant requests otherwise, the Title IX Coordinator may sign a formal complaint to initiate the grievance process. If the Title IX Coordinator signs the formal complaint, they do not become the complainant. If the Title IX Coordinator determines that an investigation is required despite the complainant's wishes, the Title IX Coordinator shall notify the complainant or reporting individual and take immediate action as necessary to protect and assist them.

#### **A. Dismissals and Consolidation of Formal Complaint**

In the event of the dismissal of a formal complaint, the Title IX Coordinator will promptly and simultaneously send the parties written notice of the dismissal and the reasons for such dismissal. Both parties may appeal the decision to dismiss a formal complaint or any allegations therein under the procedures for appeal in Section XI.

A complainant may withdraw a report or formal complaint from the University at any time. However, the University may still have an obligation to investigate and/or take action.

#### **1. Title IX Sexual Harassment - Mandatory Dismissals**

For Title IX Sexual Harassment matters, the University must dismiss a formal complaint or any allegations therein, if, at any time during the investigation or hearing, it is determined that:

- (1) the conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment as defined herein, even if proved;
- (2) the conduct did not occur in the University's education program or activity;
- (3) the conduct did not occur against a person in the United States.

Such a dismissal does not preclude the University from proceeding under another resolution process, including but not limited to other prohibited misconduct procedures, another provision of the University's *Code of Conduct* and the related policies, the Employee Handbook, or any other Adelphi policies. The Title IX Coordinator will determine whether a formal complaint must be dismissed in accordance with this section.

## **2. Discretionary Dismissal**

The University *may*, in its discretion, dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing:

- (1) the complainant notifies the Title IX Coordinator, in writing, that they would like to withdraw the formal complaint or any allegations therein;
- (2) the respondent is no longer enrolled in or employed by the University; or
- (3) specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein.

## **3. Consolidation of Complaints**

The University may consolidate formal complaints regarding allegations of Title IX Sexual Harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

# **X. GRIEVANCE PROCEDURES**

These grievance procedures apply to all allegations of prohibited conduct under this Policy, including those categorized as Title IX Sexual Harassment and Non-Title IX Sexual Misconduct, as those terms are defined under "Definitions." To the extent that the grievance procedures for Title IX Sexual Harassment and Non-Title IX Sexual Misconduct may differ, those differences are indicated herein.

When responding to any reports or formal complaints under this Policy, the University will treat complainants and respondents equitably by offering supportive measures to a complainant, and

by following these grievance procedures before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

### **A. Notice of Allegations**

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to known parties. This notice will include:

- This Policy, including notice of the formal grievance process, including any informal resolution process that may be available;
- Notice of the allegations of sexual harassment potentially constituting Title IX Sexual Harassment, as well as sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
  - Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting a violation of this Policy, and the date, location, and factual allegations of the alleged incident, if known;
- A statement that the allegations outlined in the notice may not be the final allegations considered by the University, and notice that if the University decides to investigate additional allegations the University will provide notice of the additional allegations in a timely manner and with sufficient time for the parties to prepare for any hearing;
- The specific section(s) of this Policy alleged to have been violated;
- A statement about the University's prohibition on retaliation;
- A description of the range of possible disciplinary sanctions and remedies or a list of the possible disciplinary sanctions and remedies that the University may implement following any determination of responsibility;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the formal grievance process;
- A statement that informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement informing the parties that they may inspect and review the evidence collected in an investigation; and
- Notice that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties;
- Notice that the parties are entitled to written notice of the date, time, location, participants and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate in any hearings, investigative interview or meeting;
- A statement informing the parties that this Policy prohibits knowingly making false statements or knowingly submitting false information during the formal

grievance process.

## **B. Investigation of Formal Complaints**

The Title IX Coordinator will appoint a trained investigator(s) to conduct the investigation. Generally, the investigator will be the University's Investigation and Compliance Specialist, in the Office of Community Concerns & Resolution. The Title IX Coordinator may also assign the matter to another internal investigator or an investigator external to the University. A party wishing to challenge the selection of the investigator must notify the Title IX Coordinator, in writing, within three (3) business days of receipt of the name and contact information of the investigator, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the investigator(s) at any time.

Formal complaints will be investigated promptly, thoroughly, fairly, and impartially by the investigator. Investigations generally entail interviews with relevant parties and witnesses and follow up interviews, if necessary. The parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The parties will have the ability to discuss the allegations under investigation and gather and present relevant evidence.

The following information will **not** be elicited or considered in the investigation, subject to any exceptions noted below:

- A party's prior sexual predisposition or prior sexual behavior, unless such evidence about a party's prior sexual behavior are (1) offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) concern specific incidents of a party's prior sexual behavior with respect to the other party and are offered to prove consent;
- Unless the investigator obtains a party's voluntary, written consent, the investigator will not access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in such capacity, and which are made or maintained in the connection with the provision of treatment to the party; and
- Evidence that constitutes information protected under a legally recognizable privilege, unless the person holding such privilege has waived the privilege.

At the conclusion of the investigation, the investigator will prepare a case file, which will include any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The investigator will also prepare an investigative report that fairly summarizes the investigation and all relevant evidence.

Prior to completion of the investigative report, the investigator will send to each party and party's advisor, if any, the case file, subject to review in an electronic or hard copy. The parties will have ten **(10) business days** to review the case file and submit a written response. The investigator will consider the written responses before completing the investigative report.

For all matters proceeding to a hearing, the investigator will finalize the investigative report and, at least ten **(10) business days** prior to the hearing, send the investigative report to each party and the party's advisor, if any, in an electronic format or hard copy, for their review and written response. Written responses to the final investigative report must be submitted to the investigator within ten (10) days of receipt. The parties and their advisors, if any, will be provided with the other party's written response to the investigative report, if any, in electronic format or hard copy prior to the hearing.

## **A. Resolution Options**

### **(1) Title IX Sexual Harassment Matters**

Unless resolved via informal resolution (see Section XI), all Title IX Sexual Harassment Matters must proceed to a hearing.

### **(2) Non-Title IX Sexual Misconduct Matters**

Unless resolved via informal resolution (see Section XI), Non-Title IX Sexual Misconduct Matters may be resolved as follows:

#### **i. Acceptance of Responsibility**

The respondent may elect to accept responsibility for the allegations. The University will determine the appropriate sanction in accordance with Section C (Determination), below, and will include the submission of written impact statements. The respondent will automatically waive their rights associated with a hearing. The complainant will receive notice of the acceptance of responsibility, sanctions consistent with FERPA, and remedies offered or provided to the complainant. The parties will receive concurrent notification of the rationale for the sanction consistent with FERPA. An acceptance of responsibility is not able to be appealed once the Respondent has waived their right to a hearing. An acceptance of responsibility can occur at any time prior to a finding of responsible being made.

#### **ii. Hearing**

When a respondent denies responsibility or one or both parties request a hearing, the matter will proceed to a hearing.

## **B. Hearings**

After the investigative report is shared with the parties, the Title IX Coordinator will assign the matter to the University Hearing Panel to conduct a hearing. The Hearing Panel will be comprised of trained members of the campus community. The Title IX Coordinator may instead determine that a Hearing Panel external to the University will be assigned. The assigned Hearing Panel will not participate in the process until this stage of the proceeding.

The hearing cannot be less than ten **(10) business days** from the conclusion of the investigation, which is when the final investigation report is transmitted to the parties. The Hearing Officer will provide written notice at least five (5) business days before the hearing date to the parties. The written notice will include at a minimum:

- The date, time, and place of the hearing.
- The names and contact information of the Hearing Panel members.
- The parties intended to be called to participate in the hearing (including but not limited to the parties, witnesses, etc.). The University cannot and will not compel an individual to participate in the hearing.
- Any technology expected to be utilized at the hearing.
- The purpose of the hearing.

A party wishing to challenge the participation of an assigned member of the Hearing Panel 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 reserves discretion to make changes to the Hearing Panel at any time.

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 University will provide the parties with written notice explaining the reason for such change.

The Hearing Panel shall consider all evidence that they determine is relevant. The Hearing Panel will be provided with the investigative report, exhibits, and parties' written responses prior to the hearing. The Hearing Panel is responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, regardless of whether that individual is a party, witness, or advisor.

During the hearing, the parties may:

- (1) speak on their own behalf, including providing an opening and closing statement;
- (2) be accompanied by two advisors (as defined in Section VIII), who may be, but are not required to be, an attorney;
- (3) have an advisor cross-examine the other party and any witnesses; and
- (4) the opportunity to attend the entire hearing or proceeding, except for the deliberation phase.

During any hearing, the University will make all evidence in the case file available for the parties' inspection and review to give each party an equal opportunity to refer to the evidence during the hearing.

Live hearings may be conducted with all parties physically present in the same geographic location, or, at the discretion of the University, any or all parties, witnesses, and other participants may appear at the live hearing virtually via technology enabling participants to simultaneously see and hear each other. The parties may request for the live hearing to occur in this virtual manner.

An audio or audiovisual recording/transcript of any live hearing will be created and made available to the parties for inspection and review.

### **1. Cross-Examination**

During the live hearing, cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice. Cross-examination will never be conducted by a party directly and at no point shall the parties be permitted to question each other. If a party does not have an advisor present at the live hearing, the University will provide to that party, without fee or charge, an advisor of the University's choice, to conduct cross-examination on behalf of that party.

At the live hearing, the Hearing Panel will permit each party's advisor to ask a party and any witnesses all relevant questions and follow-up questions, including questions challenging the credibility of the opposing party or witnesses.

Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Panel shall determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Hearing Panel may decline to allow any question and is not required to give a lengthy or complicated explanation; it is sufficient, for example, for a Hearing Panel to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions outlined in this Policy, or because the question asks about a detail that is not probative of any material fact concerning the allegations. The Hearing Panel may also decline to allow any question that is duplicative of information already gathered or asked, irrelevant, or otherwise determined to be unnecessary or inappropriate.

### **2. Impact Statements**

Impact statements will proactively be collected prior to a hearing by the Title IX Coordinator; however, parties have no later than two (2) business days after the conclusion of the hearing to submit their statement. Parties do not need to submit an impact statement, but are offered the option to do so. The Title IX Coordinator will share impact statements with the Hearing Panel if requested by the Hearing Panel only during deliberations for appropriate sanctions. In the event of a finding of responsibility the parties will also receive a copy of submitted impact statements. Impact Statements cannot and will not be considered by the Hearing Panel when reaching a determination of responsibility.

### **3. Rules of Decorum**

Relevant questions must be asked and answered in a respectful manner. When an individual asks a relevant question, they should not yell, scream, badger, lean in, or ask a repeated question. All individuals participating in the hearing must adhere to the rules of decorum. The hearing panel may warn an individual for failing to follow the Rules of Decorum. An individual may be removed from the hearing after being warned that they are not following the rules and continue to disregard the Rules of Decorum. If an advisor is removed, the hearing will be adjourned to a future date to continue with cross-examination. Please refer to Section XVII(B) for the full list of the rules of decorum.

### **4. Deliberations**

The Hearing Panel will evaluate the allegations under a “preponderance of the evidence” standard. The respondent will only be found responsible for the alleged prohibited conduct if the Hearing Panel concludes, based upon careful review of all information presented, that it is more likely than not that such misconduct occurred in violation of the Policy. When appropriate, the Hearing Panel will determine any disciplinary sanctions imposed on the respondent and any remedies to be provided to the complainant, and the Title IX Coordinator will enforce and implement the same. See “Employee Respondent Disciplinary Considerations,” below.

#### **C. Written Notice of Determination**

Within ten (10) business days from the hearing, the Hearing Panel will simultaneously issue the parties a written notice of the determination regarding responsibility. The written notice of determination will contain the following information:

- Identification of the conduct violating the Policy;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
  - A statement of, and rationale for, the result as to each allegation, including:
  - A determination regarding responsibility;
  - Any disciplinary sanctions the University will impose on the respondent<sup>2</sup>; and
  - If the respondent is found responsible, a statement that remedies will be provided to the complainant (the specific remedies to be determined and implemented by the Title IX Coordinator);
- The University’s procedures and permissible bases for the parties to appeal;
- Impact statements (as applicable); and
- When the determination becomes final.

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<sup>2</sup> For matters involving faculty or other employees under a collective bargaining agreement (“CBA”), sanctions will be imposed in a manner consistent with their CBA. See Section D. 1., below.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, as described below, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **D. Disciplinary Sanctions and Remedies**

If the Hearing Panel finds the respondent responsible for violating this Policy, it will impose disciplinary sanctions on the respondent (except as provided for immediately below in D.1) and provide a recommendation of remedies for the complainant, to the Title IX Coordinator for consideration, unless otherwise described above. Alternatively, disciplinary sanctions and remedies may be imposed as a result of an informal resolution. Remedies, sanctions, or other actions that are not supportive measures cannot be imposed on the respondent prior to a finding of responsibility through either the completion of a formal grievance process or informal resolution. When appropriate, Adelphi will wait to act on the determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that Adelphi provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Remedies are designed to restore or preserve equal access to the University's education program or activity and may be disciplinary, punitive, and/or impose a burden on the respondent. Supportive remedies, which can include the supportive measures discussed in Section VII above, range from services such as counseling or medical services to withdrawals or leaves of absence.

The range of disciplinary sanctions that the Hearing Panel may consider for any individual found in violation of the Policy span from a warning up to and including expulsion/termination or revocation of a student's degree. The sanctions imposed will depend, in part, on the severity of the conduct and the number of violations that occurred. The Hearing Panel may impose any of the following disciplinary sanctions that are determined to be fair and proportionate to the violation of the Policy under the grievance process:

- A reprimand or written warning;
- Changing the respondent's work or academic schedule;
- University disciplinary probation;
- Revocation of honors, awards, or a degree;
- Community service and/or training;
- Restricting the respondent's access to University's facilities or activities;
- Changing the respondent's housing assignment;
- Dismissal from, restricting, or reassignment of University employment;
- Removing the respondent from student housing;
- Suspension (limited time or indefinite);
- Expulsion or termination;
- Forfeiture of a benefit, honor, leadership position, or other privilege enjoyed by virtue of the person's membership as adjunct faculty, staff, or administration;
- Demotion or forfeiture of promotion or salary increase;

- Any other actions deemed appropriate.

In determining appropriate disciplinary sanctions, the Hearing Panel may consider any record of past violations of University policies, including the nature and severity of such past violation(s), as well as previous disciplinary action of any kind involving the respondent. This information is only considered at the sanction stage of the process. As part of the deliberations, the Hearing Panel will also consider whether the respondent poses a continuing risk to the complainant and/or the University community.

### **1. Employee Respondent Disciplinary Considerations**

The University's policies or contracts may require the University to use additional processes before taking certain employment-related actions with respect to faculty and certain other employees. When a person covered by such a policy or contract has allegedly engaged in conduct prohibited by this Policy, the investigation and hearing process will proceed in accordance with those applicable procedures and the grievance procedures described herein, except that if there is a conflict between the two processes, the grievance procedures described herein will control. A Hearing Panel will determine the employee's responsibility and then refer the matter, if appropriate, for any additional action, sanction or discipline pursuant to applicable policy or contractual procedures.

### **E. Transcript Notations**

The University will make a notation on the transcript of students found responsible after a conduct process 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."

For a respondent who withdraws from the University while such conduct charges are pending, and declines to complete the disciplinary process, it will make a notation on the transcript of such students that they "withdrew with conduct charges pending."

A student has the right to appeal such transcript notation to request its removal in the event of a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension. Notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

## **XI. INFORMAL RESOLUTION PROCESS**

At any time prior to reaching a determination of responsibility through the formal process, the University may offer the parties the option to resolve the formal complaint through the informal resolution process (referred to herein as the "informal process") without completing a full investigation and hearing. Certain complaints of sexual misconduct and/or other prohibited misconduct can be resolved through informal resolution procedures. Informal resolution cannot be used to resolve allegations of Title IX Sexual Harassment brought by a student against an employee.

These informal procedures may include, but are not limited to a mediation, counseling, and/or any other means of resolving a complaint other than the formal resolution process. The University will only offer the informal process if it determines, in its sole discretion, that it may be appropriate. The University must also obtain the parties' voluntary, written consent to the informal process. Unless there is good cause for temporary delay(s) or limited extension(s), the University will seek to promptly resolve the informal process within thirty (30) business days of receipt of the parties' voluntary, written consent to the informal process.

The informal process cannot be used to resolve an allegation of Title IX Sexual Harassment if: (1) a formal complaint has not been filed; or (2) the respondent is a University employee and the complainant is a student.

If a formal complaint is eligible for informal resolution, the informal process may begin at any time before a determination of responsibility is reached. The Title IX Coordinator, or designee, will serve as the facilitator of the informal process. Prior to initiating an informal resolution process, the University must:

- 1) Provide to the parties a written notice disclosing:
  - (i) the allegations;
  - (ii) the requirements of the informal process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal process and resume the formal grievance process with respect to the formal complaint; and
  - (iii) any consequences resulting from participating in the informal process, including the records that will be maintained or could be shared; and
- 2) Obtain the parties' voluntary, written consent to the informal process.

The informal process does not necessarily require the parties to meet together. An informal process may involve a University employee and/or a third-party facilitator, to be selected by the University. If the parties can reach a mutually satisfactory resolution, it will be reviewed by the Title IX Coordinator who will then draft the agreement. Once the agreement has been signed by both parties, the facilitator and/or the Title IX Coordinator, the matter will be considered final without involving a full formal investigation and hearing determination. At that point, the agreed upon terms, remedies and/or sanctions will be promptly implemented. Unlike the formal resolution process, an informal resolution does not result in a finding of responsibility.

Participation in the informal process is voluntary. The University will not compel the parties to engage in the informal process and will allow the parties to withdraw from the informal process at any time and resume the formal grievance process with respect to the formal complaint. There is no appeal option after the parties reach a resolution through the informal process.

Once the recommendation for the informal resolution is approved and the informal resolution agreement has been fully executed, written notification will promptly be sent to the Provost, the Office of Human Resources, the Title IX Coordinator, and/or the Office of Student Conduct and Community Standards, as appropriate, along with the parties. The notification will specify the agreed upon terms, remedies and/or sanctions of the resolution.

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).

## **XII. APPEALS**

Either party may appeal a determination regarding responsibility reached under the grievance process, a dismissal of a formal complaint, or any allegations therein, on any of the following bases:

- (1) a procedural irregularity that affected the outcome of the matter;
- (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
- (3) the Title IX Coordinator, investigator, and/or Hearing Panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the formal complaint.

Within three (3) business days of the delivery of the written determination of responsibility or from dismissal of the formal complaint or any allegations therein, the respondent and/or complainant may file a request to appeal with the Title IX Coordinator. The request to appeal must contain the party's grounds for the appeal indicating why the party requesting the appeal believes the determination of responsibility or dismissal of the formal complaint or any allegations therein was inappropriate. The appealing party may also submit a written statement in support of their grounds to appeal, as they will not have another opportunity to do so.

A preliminary review of requests to appeal will be reviewed by:

- For complaints involving a student Respondent, by the Vice President for Student Affairs and Diversity, Equity, Inclusion and Belonging
- For complaints involving an employee Respondent, by the Provost or Office of Human Resources designee

If the reviewer of the appeal grants consideration of the appeal, the Title IX Coordinator will promptly notify the non-appealing party about the appeal in writing and will apply appeal procedures equally to the parties. Within five (5) business days from the notification of the

appeal, the non-appealing party may submit a written statement in response/opposition to the appealing party's appeal.

An Appeals Panel will review the submitted, written, appeal only, and decide whether it has merit. The Appeals Panel will consist of trained members of the campus community and shall not include the Title IX Coordinator, original members of the Hearing Panel, or investigator. The Appeals Panel shall be fair and impartial and will not include individuals with a conflict of interest.

The Appeals Panel will simultaneously issue a written decision to the parties describing the result of the appeal and the rationale for the result within ten (10) business days of receipt of the complete record, including the written submissions of the parties. The decision of the Appeals Panel regarding the appeal is final.

### **XIII. DESIGNATION OF AUTHORITY**

The University may, at its discretion, designate another trained and experienced person(s) to act in the place of the investigator, adjudicator, decision-maker, and/or facilitator in this Policy. If there is such a designation, the parties involved will be informed.

### **XIV. POLICY REVIEW & REVISION**

Typically, this Policy will be reviewed for possible revisions every year, or as otherwise necessary.

The most current revision of this Policy supersedes all previously issued revisions and inconsistent verbal or written policy statements. The University reserves the right at any time to change, modify, delete, or add to any of the provisions of this Policy

### **XV. RECORDKEEPING**

For a period of seven (7) years, the University will maintain records generated in connection with reports, investigations, disciplinary proceedings, hearings, informal resolutions, appeals, and the audio, audiovisual recording, or transcript, as well as any determinations regarding responsibility including any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant. All materials used to train the Title IX Coordinator, investigators, members of the Hearing Panel or Appeals Panel, and any individual who facilitates informal resolution processes will also be maintained for at least seven (7) years.

For a period of seven (7) years, the University will also maintain records of any responses, including supportive measures, that the University took in response to a report, complaint, or formal complaint of sexual misconduct and retaliation. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a complainant with supportive measures, the University must document

the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

## **XVI. SEXUAL MISCONDUCT EDUCATION, TRAINING AND PREVENTION**

Individuals involved in the process of resolution of complaints of sexual misconduct, including those involved in the resolution of formal complaints through the Title IX Sexual Harassment grievance process, such as the Title IX Coordinator, Investigators, Hearing Panel members, Appeals Panel members, and any person who facilitates an informal process, will receive training in accordance with federal, state, and local law, including the Clery Act, New York State Education Law Article 129-B, and 34 C.F.R. § 106.45. These individuals are also trained to serve impartially and must be free from conflicts of interest and bias against Complainants or Respondents generally or an individual Complainant or Respondent.

To promote and maintain a safe and respectful environment, and in compliance with applicable laws, Adelphi provides comprehensive educational programming to prevent sexual misconduct (including sexual harassment, domestic violence, dating violence, sexual assault, stalking, and retaliation). For example, the University provides primary prevention and awareness programs for all incoming students and employees, and ongoing prevention and awareness campaigns for all students and employees. Adelphi also provides mandatory training for leaders of student organizations and student-athletes.

For more information about Adelphi's sexual misconduct prevention, prevention, training and awareness programming please contact the Title IX Coordinator.

## **XVII. APPENDICES**

### **A. Students' Bill of Rights**

The following can also be accessed at:

<https://www.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 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 judicial or conduct process and/or criminal justice process free from pressure from the institution;

4. Participate in a process that is fair, impartial, and provides adequate notice and meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution 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 institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
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 institution.

## **B. Rules of Decorum**

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

1. All participants are advised to keep the information learned through the hearing confidential.
2. Questions must be conveyed in a neutral tone.
3. All participants will refer to other participants using the name and gender used by the person and shall not intentionally misname or misgender that person in communication or questioning.
4. No participant may act abusively or disrespectfully during the hearing toward any other participant. No participant may yell, scream, badger, or interrupt another participant. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Panel.
5. Advisors may not speak on behalf of the Complainant and Respondent, except for the cross-examination portion, or disrupt the proceeding.

6. While attorneys may serve as a party's advisor of choice, all advisors must abide by the limited role of the advisor during proceedings under this Policy.
7. No participant may use profanity or make irrelevant personal attacks upon another participant.
8. Providing knowingly false or distorted information or making misrepresentations before the Hearing Panel is a violation of the University's Code of Conduct and may result in disciplinary charges under applicable University policy.
9. During cross-examination, questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
10. The advisor may not ask repetitive questions. When the Hearing Panel determines a question has been "asked and answered" or is otherwise not relevant, the advisor must move on.
11. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether a party, witness or official) into not participating in the process or meaningfully modifying their participation in the process.
12. During the Hearing, parties and their advisors will communicate only with and at the direction of the Hearing Chair. Except for communications between a party and their advisor during breaks, neither the parties nor their advisors are permitted to communicate with any other participant in the Hearing. This includes communication by any method or medium, including verbally, in writing, or electronically (via phone, text messages, chat messages, social media messaging, or posting). Similarly, witnesses may not communicate with any party, advisor, witness, or any person not a participant in the Hearing regarding anything relating to the Hearing by any method or medium, including verbally, in writing, or electronically (via phone, text message, chat messages, social media messaging or posting).
13. Any participant may request a break in the Hearing, provided the break is requested in good faith and without causing undue delay in the proceeding. The Hearing Panel must approve requests for breaks. If a question has already been asked, we will wait for the question to be answered before taking a break.

**For virtual hearings:**

14. The party must be alone in the physical room from which they are participating (unless with their advisor).
15. The advisor must be alone in the physical room from which they are participating (unless with the party they are advising).

16. Each witness must be alone in the physical room from which they are participating.
17. All participants must keep their electronic devices on mute until asked to speak.  
The Hearing Chair may mute a participant if appropriate.

### **C. Hearing Order**

Hearings shall be conducted according to the following procedure:

1. Introduction of all parties
2. Verification of Procedural Steps
3. Complaint
4. Instructions
5. Opening statements
6. Testimony and Evidence
  - a. Questioning of the complainant
    - i. Questioning of complainant by Hearing Panel
    - ii. Questioning of complainant by complainant's advisor
    - iii. Questioning of complainant by the respondent's advisor
    - iv. Follow up questioning of the complainant by the Hearing Panel
  - b. Questioning of the respondent
    - i. Questioning of respondent by Hearing Panel
    - ii. Questioning of respondent by respondent's advisor
    - iii. Questioning of respondent by the complainant's advisor
    - iv. Follow up questioning of the respondent by the Hearing Panel
  - c. Questioning of the complainant's witness
    - i. Questioning of complainant's witness by Hearing Panel
    - ii. Questioning of complainant's witnesses by complainant's advisor
    - iii. Questioning of complainant's witness by the respondent's advisor
    - iv. Follow up questioning of the complainant's witness by the Hearing Panel
  - d. Questioning of the respondent's witness
    - i. Questioning of respondent's witness by Hearing Panel
    - ii. Questioning of respondent's witness by respondent's advisor
    - iii. Questioning of respondent's witness by complainant's advisor
    - iv. Follow up questioning of the complainant's witness by the Hearing Panel
7. Closing statements
  - a. Complainant
  - b. Respondent
8. Closing Remarks
7. Hearing closes
8. Deliberations between Hearing Panel members begin