

harassment (including sexual misconduct) or retaliation will be resolved based on the “reasonable person” standard in evaluating offensive behavior. Accordingly, all members of the University community should consider how a reasonable person may view their behavior, notwithstanding their intent.

VI. Cooperation / Obstructing the Process

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

Required Reporting

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

“Responsible Employees”

A “responsible employee” is: an employee of the University who is obligated by this Policy to share knowledge of alleged discrimination, harassment (including sexual misconduct) and/or retaliation with the Title IX Coordinator.⁶

⁶ Pursuant to the NYSHRL, all supervisors and managers who receive knowledge or information about suspected sexual misconduct, observe what may be sexually harassing behavior or for any reason suspect that sexual misconduct is occurring, are required to report such suspected sexual misconduct to the Title IX Coordinator. In addition to being subject to discipline if they engaged in sexual misconduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual misconduct or otherwise knowingly allowing sexual misconduct to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

A responsible employee must report all relevant details about the alleged misconduct shared by the reporting individual to the Title IX Coordinator. A responsible employee will strive to maintain privacy 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. Providing information of Title IX sexual harassment to a responsible employee does not provide actual knowledge to the University under Title IX. The University has actual knowledge when the Title IX Coordinator or any Official with Authority, as defined herein, has notice of Title IX sexual harassment.

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

Researchers should provide research participants with information regarding their options to report the misconduct to the Title IX Coordinator, the Department of Public Safety and 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:

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

These brochures can be found at adelphi.edu/handbooks.

Reports Involving Minors

Adelphi University is committed to the prevention of child abuse. Child abuse includes both the physical and sexual abuse of individuals under the age of eighteen. Adelphi University employees are directed to bring all reasonable suspicions, beliefs and allegations of child abuse immediately to the attention of Public Safety or the Title IX Coordinator, who will then make the appropriate

report to the New York State Child Abuse Hotline (State Central Register). Reports can also be made directly to the Child Abuse Hotline at 800-342-3720.

VII. What to Do if You Are Experiencing Discrimination, Harassment (Including Sexual Misconduct) and/or Retaliation⁷

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

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

Additional Rights in Sexual Misconduct Cases, Including Title IX Sexual Harassment

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

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

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

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

The right to emergency access to the Title IX Coordinator or other appropriate official trained in interviewing victims of sexual misconduct, who shall be available upon the first instance of disclosure by a complainant or reporting individual to provide information regarding options to proceed, and where

⁷ Please see section IX(A) of this Policy for additional provisions regarding the requirements and processes for reporting Title IX sexual harassment.

applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing the different standard of proof and evidence used in the criminal justice system and that questions regarding the penal law should be addressed to law enforcement or the district attorney. Such officials shall also explain whether they are authorized to offer the complainant confidentiality or privacy and shall inform the complainant of other reporting options.

The right to disclose confidentially the incident to institution representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals.

The right to disclose confidentially the incident and obtain services from the state or local government.

The right to disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals.

A. 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 law and under this Policy. At the beginning of the process, the University will inform the complainant about confidentiality standards and privacy concerns, as well as confidential and other resources available.

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

The University will evaluate a request for confidentiality or not to act on a complaint in the context of its responsibility to provide a safe and nondiscriminatory environment for all members of the community. Therefore, while absolute confidentiality cannot be promised, the University will treat the concerns of the complainant with sensitivity and respect. The University will also assist with reasonable academic, housing, transportation, employment and other accommodations requested regardless of reporting choices. A request for confidentiality however may limit the University's ability to respond.

Confidential Resources and Support

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

Amnesty

The health and safety of every student at the University is of utmost importance. Adelphi University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to 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.

B. The Reporting Process

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

For emergency or immediate assistance (twenty-four hours a day, seven days a week) contact the Department of Public Safety 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.

If you are a student complainant, contact R. Sentwali Bakari (Vice President for Student Affairs and Dean of Students), sbakari@adelphi.edu or 516.877.3151, Joseph De Gearo (Associate Dean of Student Affairs), degearo@adelphi.edu or 516.877.3654, or Renaire Frierson (Title IX Coordinator, Director of Equity & Compliance), titleix@adelphi.edu or 516.877.4819.

- If you are an employee or third party complainant, or if you have questions pertaining to this policy, contact Jane Fisher (Director, Employment, Employee, & Labor Relations), fisher2@adelphi.edu or 516.877.3222 or Renaire Frierson (Title IX Coordinator, Director of Equity & Compliance), titleix@adelphi.edu or 516.877.4819.
- In addition, you may contact any member of the Anti-Harassment, Discrimination (including Sexual Misconduct), and Retaliation Panel (“Anti-Discrimination Panel”) listed at the end of this document.

To file a complaint involving R. Sentwali Bakari, Joseph de Gearo, or Jane Fisher, contact Title IX Coordinator, Director of Equity & Compliance, Renaire Frierson, as above. To file a complaint involving the Title IX Coordinator, please direct your complaint to Jane Fisher, as above. Anyone who reports misconduct to the above resources will be informed about this process, as outlined in this Policy.

You may also report online to:
adelphi.edu/hr/title-ix/report

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

Inquiries concerning the application of Title IX may be referred to the University’s Title IX Coordinator, Director of Equity & Compliance, Renaire Frierson at titleix@adelphi.edu, Levermore Hall, Room 207, 1 South Avenue, Garden City, NY 11530, 516.877.4819, or

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

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

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

eeoc.gov/contact/index.cfm

Additional reporting options relating to NYSHRL sexual harassment and retaliation are discussed in Appendix B.

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.⁸

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

⁸ For sexual misconduct cases, temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

through the criminal justice process is governed by the penal law and the criminal procedure law.

Timing of the Investigation

There is no time limit on when a complaint may be made. The University will conduct an investigation and make all efforts to provide a resolution of 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 notice. However, the resolution of a complaint may vary depending on the complexity of the investigation and/or extent of the alleged harassment or discrimination.

Additional Rights for Reporting Individuals and Complainants in Sexual Misconduct Cases

- a. A reporting individual or complainant's identity shall remain private at all times if the reporting individual or complainant wishes to maintain privacy. Please see Section VII (A) above for further explanation.
- b. If the accused is an employee of the University, the complainant has the right to disclose the incident to Human Resources and the right to request a confidential or private employee to assist in the reporting.
- c. The right to receive assistance from an appropriate University representative on how to initiate legal proceedings in family or civil court.
- d. The right to withdraw a complaint or involvement from the University process at any time. The University may still have obligations pursuant to state and federal law to investigate the incident and take action. The complainant may participate in the process to whatever degree they wish.
- e. All parties have the right to be provided with information about available resources, including intervention, mental health counseling and medical services, including costs. The University will also provide information on sexually transmitted infections, sexual assault forensic examinations and resources available through the New York State Office of Victim Services.
- f. To have the University issue a "No-Contact Order" in cases where the accused is a student, consistent with the procedures outlined in the *Code of Conduct* which also provides for prompt review.
- g. To be assisted by Public Safety in obtaining an Order of Protection or an equivalent protective or restraining order.
- h. To receive a copy of the Order of Protection or equivalent when received by the University and be provided with the opportunity to speak with a Public Safety Officer to answer questions, explain the provisions of the order, and explain the consequences for violating the order.

- i. To receive assistance from Public Safety in effecting an arrest when an Order of Protection is violated.
- j. When the accused is not a student, but is a member of the University community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements and the policies of the University.
- k. To receive reasonable interim accommodations (also referred to in this policy as supportive measures) regarding academics, housing, employment, transportation or other applicable arrangements to help ensure safety, prevent retaliation and a hostile environment, consistent with the University's policies. Both parties and the reporting individual shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects them, and shall be allowed to submit evidence in support of their request.
- l. To request student conduct charges be filed against an accused student governed by this Policy in conjunction with the *Code of Conduct*, which include, among other things, the right to receive written notice of the charges, date, time, location and factual allegations concerning the violation, dates of meetings, the final determination, possible sanctions, to review the record and evidence in the case file, or otherwise in the possession or control of the University, and relevant to the conduct case, present witnesses and evidence and be accompanied by an advisor of choice to all meetings and the presumption that the respondent is not responsible until proven otherwise.
- m. To receive a prompt response to the complaint or formal complaint and have it investigated and adjudicated in an impartial, timely, and thorough manner by impartial individuals who do not have a conflict of interest and who have been trained annually in conducting investigations involving sexual misconduct, the effects of trauma, the need for impartiality, the rights of the accused and the presumption of "not responsible."
- n. Both parties have the right to exclude their own prior sexual history with persons other than the other party to the proceedings or their own mental health diagnosis and/or treatment from admittance into the disciplinary stage that determines responsibility.⁹ Past findings of dating violence, domestic violence, stalking or sexual assault may be admissible in the sanction stage.
- o. Both parties have the right to choose whether to disclose or discuss the

⁹ This provision applies unless the exceptions under the Title IX Sexual Harassment Grievance Process apply.

- outcome of the University proceedings and have information obtained during the proceedings protected from public release until the appeals panel makes a final determination, unless required by law.
- p. For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), 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.
 - q. Adelphi University has a Memorandum of Understanding with the Sexual Assault Nurse Examiner Program at Northwell Health (formerly North Shore Hospital) to provide forensic examinations in appropriate sexual assault cases.
 - r. The University will conduct an anonymous Campus Climate Survey every other year to ascertain general awareness and knowledge of issues pertaining to sexual assault, dating violence, domestic violence and stalking, which will be developed using standard and commonly recognized research methods. The results of this survey will be published on the University website provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual shall be shared. The University will take steps to ensure that answers to climate surveys remain anonymous and that no individual is identified. Information discovered or produced as a result of the climate survey will not be subject to discovery or admitted into evidence in any federal or state court proceeding or considered for other purposes in any action for damages brought by a private party against the University, unless, in the discretion of the court, any such information is deemed to be material to the underlying claim or defense.
 - s. Adelphi will make reports of certain crimes occurring in specific geographic locations that shall be included in Adelphi’s annual security report pursuant to the Clery Act, 20 U.S.C. 1092(f), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual. Adelphi is obligated to issue timely warnings of

crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. A reporting individual shall not be identified in a timely warning. FERPA allows Adelphi to share information with parents when i. there is a health or safety emergency, or ii. when the student is a dependent on either parent's prior year federal income tax return. Generally, Adelphi shall not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

- t. Information regarding confidential and other available resources are addresses herein and posted on the University website under "Title IX and Sexual Respect."
- u. If an individual discloses information at a public awareness event the University is not obligated to initiate an investigation but may use the information to inform education and prevention efforts.

VIII. Supportive Measures, Emergency Removals, and No Contact Orders¹⁰

Supportive Measures

Supportive measures are non-disciplinary and non-punitive, individualized services to a party, which 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 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.

Provided it has notice or it is otherwise aware of prohibited conduct, before or after a complaint or formal complaint, or where no complaint or formal complaint has been filed. the University (through the Title IX Coordinator) will provide supportive measures to the parties, as appropriate and reasonably available without fee or charge to the parties. When offering supportive measures, the Title

¹⁰ Please note that for purposes of this Policy, the accommodations and protective measures that are required to be provided to a complainant under the Clery Act are incorporated into the definition of supportive measures as well as the process for which such measures and accommodations are provided to the complainant.

IX Coordinator will inform the complainant, in writing, that they may file a complaint or formal complaint at any time.

The University will maintain as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator will work with the complainant to determine their requests for supportive measures and confirm that such requests are considered.

The determination of appropriate supportive measures must be based on the facts and circumstances of that situation. Supportive measures, 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;
- Providing counseling and academic support services, such as tutoring;
- Referral to counseling, medical and/or other healthcare services;
- Providing course-related adjustments such as extensions of deadlines;
- Providing leaves of absence;
- Establishing restrictions on contact (no-contact orders) between the parties;
- Providing increased security, supervision or monitoring of certain areas of the campus; and
- Other similar measures or any other actions deemed appropriate by the Title IX Coordinator.

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 student may seek prompt review of the need for/terms of supportive measures to the extent the relevant supportive measure has a direct impact on them. This request should include the basis for the request and any supporting evidence. A student 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.

Emergency Removals

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

In determining whether an interim suspension is appropriate based on allegation of prohibited conduct, the University will consider, *inter alia*, 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. The parties may request a review of the need for, and terms of, an emergency removal, reasonable under the circumstances, 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 conditions or duration, of the emergency removal are at the discretion of the Title IX Coordinator and the Vice President for Student Affairs and Dean of Students. 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.

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.

IX. Process A: Title IX Sexual Harassment Grievance Process

The Title IX Sexual Harassment Grievance Process (referred to as the "grievance process" within this section) only applies to qualifying allegations of Title IX sexual harassment (including sexual assault, dating violence, domestic violence, and stalking) as defined above. If a dismissal of a formal complaint occurs under this grievance process, please see the processes set forth above. The processes set forth above may also apply to Title IX sexual harassment if the Title IX Coordinator determines that the allegations fall outside the jurisdiction of this grievance process.

Under Title IX, the University's response to reports or formal complaints of sexual harassment must treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process that complies with Title IX before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

A. Reports of Title IX Sexual Harassment

Any individual (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Title IX sexual harassment) may report incidents of Title IX sexual harassment to the Title IX Coordinator at any time including during non-business hours. The University will promptly and equitably respond to all reports of Title IX sexual harassment made to the Title IX Coordinator. Reports of Title IX sexual harassment may be made using the following options:

- In person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator;
- Using the telephone number or email address, or by mail to the office address listed in this Policy for the Title IX Coordinator;

- Reporting online at: <https://www.adelphi.edu/hr/title-ix/report/>; or
- By any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

As indicated in the reporting sections VI and VII above, except for those employees designated as confidential, any incident of sexual misconduct, including Title IX sexual harassment, must be reported to the Title IX Coordinator. A third party's report will not trigger an investigation or hearing, unless the complainant files or the Title IX Coordinator signs a formal complaint.

Upon receiving notice of an incident of Title IX sexual harassment, the Title IX Coordinator will respond in a manner that is not deliberately indifferent and will conduct an initial assessment within five (5) to seven (7) business days:

- The Title IX Coordinator will determine whether the scope of the allegations fall within the jurisdiction of Title IX sexual harassment and its applicable grievance process set forth below. When determining such applicability, if the complaint does not fall within the scope of this grievance process, the Title IX Coordinator assesses which processes may apply to the complaint (e.g. the processes set forth above).
- If the allegations fall within the scope of Title IX sexual harassment, then 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 of Title IX sexual harassment. The Title IX Coordinator will promptly make supportive measures available to the complainant upon receipt of notice.
- 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 with or without the filing of a formal complaint. 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 or whether the complainant would like to proceed with a formal grievance process, if applicable; and if the grievance process is applicable, whether there is an option for resolution through the informal grievance process.
- If the Complainant wishes to proceed with filing a formal complaint, if applicable, or the University believes it is otherwise necessary, the Title IX Coordinator will ascertain the name of the respondent, the date, location, and nature of the alleged Title IX sexual harassment, and, in a timely

fashion, will notify the respondent of the allegations, and any supportive measures available to the respondent. If a formal complaint is filed, the Title IX Coordinator will provide initial notice to the parties as further described in section IX(G) of this Policy. The grievance process will be followed before any discipline is imposed on the respondent.

The University seeks consent from complainants prior to conducting a grievance process. A complainant's decline to consent to proceed may be honored, unless the Title IX Coordinator determines in good faith, that failure to investigate and adjudicate 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 such a request may limit the University's ability to meaningfully investigate and pursue conduct action against a respondent. Factors used to determine whether to honor such a 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 represent 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; and
- 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 when the complainant requests otherwise. The Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of a good faith determination. 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, the Title IX Coordinator shall notify the complainant or reporting individual and take immediate action as necessary to protect and assist them.

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. The University may also be compelled to act on alleged employee conduct regardless of the complainant's wishes.

B. Standard of Evidence, Presumption of Non-Responsibility, and Burdens of Proof and Gathering Evidence

The standard for decisions under the grievance process is a preponderance of the evidence, meaning that it is more likely than not that Title IX sexual harassment, in violation of this Policy, occurred. There is a presumption that a respondent is not responsible for the alleged prohibited conduct until a determination is made regarding responsibility. 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.

Members of the University community are expected to cooperate and be honest in their interactions with the University under this Policy. In this regard, 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.

C. Promptness, Notice and Timeframes

The University will promptly resolve all reports and formal complaints, including investigations, and grievance processes, excluding appeal, within sixty (60) to ninety (90) business days of the filing of a report or formal complaint of Title IX sexual harassment with the Title IX Coordinator, unless the University has good cause for any temporary delays or limited extensions. Good cause may include, but is not limited to, absence of a party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The University will provide clear written notice to the parties before each interview or other meeting they are invited or expected to attend, including the date, time, location, participants, and purpose of the investigative interview, hearing, or meeting, whose participation is invited or expected, including the complainant and respondent. Through the notice, the University will provide sufficient time for the party to prepare to participate.

D. Advisor of Choice

The parties may have an advisor present during the course of any grievance process, including the opportunity to be accompanied to any related meeting, interview, or hearing by the advisor of their choice who may advise and assist the parties. A party's advisor of choice may be, but is not required to be, an attorney. Each party is permitted one advisor. If a party does not have an advisor present for a Process A hearing, Adelphi will appoint an advisor of

Adelphi's choice, free of charge, to conduct cross-examination on behalf of that party.

Throughout the process, the role of the advisor is narrow: they may attend and help the Party prepare for all proceedings, such as meetings, interviews, and hearings, that the Party is entitled to attend, but the Parties themselves must ask and answer any questions other than asking cross-examination questions during a Process A hearing; those questions will be asked by an Advisor because Parties are not permitted to personally do so. Except for cross-examination during a hearing, as described below, advisors cannot actively participate or speak on behalf of the parties, or act as a proxy for any party. However, as reasonably needed, they may confer privately with the Party during the proceedings. 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.

E. Formal Complaints

Reports of Title IX sexual harassment may be made using any of the options set forth above. 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. The complainant must be participating in or attempting to participate in the University's education program or activity at the time the formal complaint is filed alleging sexual harassment against a respondent and requesting that the University investigate the allegations. If the complainant files the formal complaint, the 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 Title IX Coordinator may also sign a formal complaint. However, where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the formal complaint.

F. Dismissal and Consolidation of Formal Complaints

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 in 34 C.F.R. § 106.30, 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; or (4) at the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the University. Such dismissal does not preclude the University from acting under the other processes of this Policy, 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.

The University *may*, in its discretion, dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing the: (1) complainant notifies the Title IX Coordinator, in writing, that they would like to withdraw the formal complaint or any allegations therein; (2) 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.

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 below.

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.

G. Initial Notice of Allegations

Upon receipt of a formal complaint of Title IX sexual harassment, the Title IX Coordinator will provide written notice to the parties who are known. The notice will include:

- Notice of the formal grievance process, including any informal grievance 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 Title IX sexual harassment under 34 C.F.R. § 106.30, and the date, location, and factual allegations of the alleged incident, if known;
- 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 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
- A statement informing the parties that this Policy prohibits knowingly making false statements or knowingly submitting false information during the formal grievance process.

During the course of the investigation, the University may investigate allegations about the parties that are not included in the initial written notice of allegations. If this is the case, the University will provide additional allegations to the parties whose identities are known.

H. Investigation of Formal Complaints

The Title IX Coordinator will appoint a trained investigator(s) to conduct the investigation. The Title IX Coordinator may assign an investigator from the Anti-Discrimination Panel 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 of Title IX sexual harassment will be investigated promptly, thoroughly, fairly, and impartially by the investigator, and normally within thirty (30) business days of filing a formal complaint with the Title IX coordinator.

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 parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.

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. In addition, the University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, 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 all collected evidence 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 submit a written response. The investigator will consider the written responses before completing the investigative report. The investigator will finalize the investigative report that summarizes relevant evidence 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. 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.

I. The Hearing

After the investigative report is shared with the parties, the Title IX Coordinator will assign the matter to be heard by the Hearing Panel chosen from the Anti-Discrimination Panel. The Title IX Coordinator may 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 Title IX Coordinator 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 name and contact information of the Hearing Panel.
- The participants in the hearing (including but not limited to the parties, witnesses, etc.)
- Any technology expected to be utilized at the hearing.
- The purpose of the hearing.

A party wishing to challenge the participation 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 may consider all evidence that they determine is relevant. 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, including 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 an advisor, who may be, but is 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 directly related evidence 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 under the discretion of the University, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. The parties may request for the live hearing to occur in this manner.

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 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, who may be, but is not required to be an attorney, to conduct cross-examination on behalf of that party.

At the live hearing, the Hearing Panel will permit each party's advisor to ask the other 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 below, 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.

Both parties have the right to exclude their own mental health diagnosis and/or treatment from admittance in the hearing. Both parties also have the right to exclude their own prior sexual history with persons other than the other party in the judicial or conduct process, subject to the exceptions in 34 CFR 106.45(6)(i), which states that questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the complainant's prior sexual

behavior are (1) offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel cannot not rely on any statement of that party or witness in reaching a determination of responsibility. The Hearing Panel cannot not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. An audio or audiovisual recording/transcript of any live hearing will be created and made available to the parties for inspection and review.

Impact Statements

The parties will be offered an opportunity to provide impact statements to the Hearing Panel while the Hearing Panel is deliberating on appropriate sanctions. The impact statement must be provided to the Title IX Coordinator. Parties will also receive a copy of submitted impact statements. The Title IX Coordinator will provide the impact statements to the Hearing Panel only once the Hearing Panel is deliberating on appropriate sanctions. Impact Statements cannot and will not be considered by the Hearing Panel when reaching a determination of responsibility.

J. Determinations Regarding Responsibility, Disciplinary Sanctions and Remedies

The Hearing Panel will evaluate the allegations under a "preponderance of the evidence" standard. The respondent will only be found responsible for the alleged Title IX sexual harassment if the Hearing Panel concludes, based upon careful review of all information presented, that such Title IX sexual harassment more likely than not occurred in violation of the Policy. 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.

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 constituting Title IX sexual harassment under this Policy as defined in 34 C.F.R. § 106.30;
- 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; and
 - Whether remedies will be provided to the complainant;
- The University's procedures and permissible bases for the parties to appeal; and
- When the determination becomes final.

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.

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. Where a person covered by such a policy or contract has allegedly engaged in conduct prohibited by this Policy, the investigation and grievance process will proceed in accordance with the procedures set forth herein, except that the Hearing Panel will not impose any discipline that would require the use of additional processes. Instead, the Hearing Panel will impose all appropriate discipline that does not require the use of additional processes and then refer the matter, if appropriate, for action under the additional process. The University's disciplinary action will be considered complete with the Hearing Panel's imposition of discipline and referral, subject to any appeals. For information, please contact the Title IX Coordinator.

Disciplinary Sanctions and Remedies

If the Hearing Panel finds the respondent responsible for violating this Policy, it may impose disciplinary sanctions on the respondent and/or provide remedies to the complainant. 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. Adelphi must 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 VIII above, range from services such as counseling or medical services to withdrawals or leaves of absence; punitive remedies range from a warning up to and including expulsion/termination or revocation of degree. The range of disciplinary sanctions that the Hearing Panel may consider for any individual found responsible for Title IX sexual harassment 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 process¹¹:

- A reprimand or written warning;
- Changing the respondent's work or academic schedule;
- 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 work or housing assignment;
- Dismissal from or restricting or reassignment of University employment;
- Removing the respondent from student housing;
- Suspension (limited time or indefinite);

¹¹ This list is not exhaustive.

- 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;
- Reassignment of University employment;
- respondents who are non-student employees may also be placed on administrative leave during the pendency of a formal grievance process or resolution process
- Any other actions deemed appropriate by the Title IX Coordinator.

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.

K. Informal Grievance Process

At any time prior to reaching a determination of responsibility, the University may offer the parties the option to resolve the formal complaint through the informal grievance process without completing a full investigation and hearing. However, the University will only offer an informal grievance process if it determines, in its sole discretion, that such informal grievance process may be appropriate, and after the University has obtained the parties' voluntary, written consent to the informal grievance process. Unless there is good cause for temporary delay(s) or limited extension(s), the University will promptly resolve an informal grievance process within thirty (30) business days of the filing of a formal complaint of Title IX sexual harassment with the Title IX Coordinator.

The informal grievance process may not be used: (1) to resolve an allegation of Title IX sexual harassment unless a formal complaint is filed, or (2) to resolve an allegation of Title IX sexual harassment against a University employee where the complainant is a student. Formal complaints alleging Title IX sexual harassment of a student by an employee *must* be resolved through a formal grievance process and are not eligible for informal resolution. Informal resolution is only available once a complaint or formal complaint has been filed; a report alone is insufficient.

If a complaint or formal complaint is eligible for informal resolution, an

informal resolution may begin at any time prior to a determination regarding responsibility being reached if the University:

- (i) Provides to the parties a written notice disclosing:
 - a. the allegations;
 - b. the requirements of the informal resolution 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 resolution process and resume the grievance process with respect to the formal complaint; and
 - c. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- (ii) Obtains the parties' voluntary, written consent to the informal resolution process.

The Title IX Coordinator will serve as the facilitator of the informal grievance process and may elect to be assisted by another member of the Anti-Discrimination Panel or outside expert. The informal grievance process is designed to obtain an expedient, mutually acceptable solution, which may include an acceptance or responsibility and disciplinary sanctions by the Respondent, without the necessity for conducting further investigation or hearing. The informal grievance process may result in the imposition of protective actions agreed upon by the parties, or (with or without such agreement) based on information derived from the informal grievance process taken together with any other relevant information known to the University at the time of the informal grievance process.

An informal resolution does not necessarily require the parties to meet together. An informal resolution 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, which may include an acceptance of responsibility and sanctions by the respondent, the matter will be considered final without involving a full formal investigation and hearing determination. At that point, the agreed upon sanctions will be promptly implemented.

Participation in the informal grievance process is voluntary. The University will not compel the parties to engage in the informal grievance process and will allow the parties to withdraw from the informal grievance 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 informal means.

L. 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; and (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 five (5) 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 an appeal with the Title IX Coordinator. The 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 challenging the outcome. The Title IX Coordinator will promptly notify the non-appealing party about the appeal in writing and will implement 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 support of the outcome.

A panel composed of three members of the Anti-Discrimination Panel, the "Appeals Panel," will review the appeal. The Appeals Panel shall not include the Title IX Coordinator, 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 decide the merits.

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.

X. Process B: Process for Resolution of Allegations of

Discrimination, Harassment (Including Sexual Misconduct), and/or Retaliation

The resolution process set forth in these provisions address all violations of this Policy, except for allegations of Title IX sexual harassment, which are addressed under the Title IX Sexual Harassment Grievance Process (Process A) set forth above. Once a complaint or notice is received, it will be reviewed and reported to the Title IX Coordinator. Complainants will be asked to either complete a written complaint or meet with a member of the University's Anti-Discrimination Panel. Complainants are also given written notification of their rights and options with respect to the report. Impartial investigator(s) will then be assigned who will conduct an immediate preliminary investigation to determine if this Policy may have been violated. The investigator(s) will consider interim action, supportive measures for the parties, or other necessary remedial short-term actions. If it is determined that this Policy may have been violated, the University will initiate a prompt, thorough, fair, and impartial investigation, including effective remedies designed to end the discrimination, harassment, or retaliation, prevent recurrence and address the effects on the victim and the community.

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

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

XI. Process B Investigations

Prior to commencing an investigation of a complaint of discrimination, harassment (including sexual misconduct) and/or retaliation, the consent of the complainant, if known, shall be requested. If the complainant is under the age of eighteen (18) years, and does not attend a post-secondary institution, the parents or guardians of the complainant will be asked to provide consent for the investigation.

A complainant's decline to consent to proceed may be honored, unless the Title IX Coordinator determines in good faith, that failure to investigate and adjudicate 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 such a request may limit the University's ability to meaningfully investigate and pursue conduct action against a respondent. Factors used to determine whether to honor such a 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 represent 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; and
- 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 when the complainant requests otherwise. The Title IX Coordinator may initiate a grievance process upon completion of a good faith determination. In such a case, the Title IX Coordinator does not become the complainant.

A complainant may withdraw a report or complaint from the University at any time. However, the University may still have an obligation to investigate and/or take action. The University may also be compelled to act on alleged employee conduct regardless of the complainant's wishes.

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

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

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

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

Fabian Burrell	Coordinator for Programing & Community Engagement, African, Black & Caribbean Studies, Alumnae Hall, fburrell@adelphi.edu , 516.877.4978
Joseph De Gearo	Associate Dean of Student Affairs, University Center, Room 308, degearo@adelphi.edu , 516.877.3654
Lucinda Donnelly	Chief Human Resources Officer, Levermore Hall, Room 203, cdonnelly@adelphi.edu , 516.877.3268
Renaire Frierson	Title IX Coordinator, Director of Equity & Compliance, Levermore Hall, Room 207, rfrierson@adelphi.edu , 516.877.4819

Margaret Gray	Associate Professor, Political Science Department, Blodgett Hall, Room 202D, gray5@adelphi.edu , 516.877.4589
Natalie Johnson	Title IX Investigator, Levermore Hall, Room 207, njohnson@adelphi.edu , 516.877.8694
Anthony Maldonado	Senior Human Resources Generalist, Levermore Hall, Room 203, amaldonado@adelphi.edu , 516.877.3223
James McGowan	Executive Director of Off-Campus Administration, Levermore Hall, Room 303L, mcgowan2@adelphi.edu ,
Guy Seneque	Director of Residential Life and Housing, Earle Hall A, Room 100 seneque@adelphi.edu , 516.877.3651
Adam Visconti	Associate Director of Residential Life and Housing, Earle Hall A, Room 100 avisconti@adelphi.edu . 516.877.3671

XIV. False Complaints

Submitting a false report of prohibited conduct or providing false or misleading information in bad faith in connection with an incident of discrimination, harassment, and/or retaliation is prohibited and subject to disciplinary action, up to and including dismissal from the University. Such bad faith reporting may constitute retaliation in violation of this Policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate. An inquiry into a false complaint may be considered in a separate complaint and resolved through a separate investigation.

XV. Policy Review

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

XVI. 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 discrimination, harassment (including 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.

XVII. Sexual Misconduct Education, Training and Prevention

Individuals involved in the process of resolution of complaints of sexual misconduct, and particularly those involved in the resolution of formal complaints through Process A, 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.

XVIII. Appendix

A. Students' Bill of Rights¹²

The following can also be accessed at:

<https://www.adelphi.edu/hr/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 taken seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the 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;

¹² The rights set forth in the Students' Bill of Rights as well as the rights set forth in New York Education Law Article 129-B apply regardless of whether the conduct occurs on campus, off campus, or while studying abroad. New York Education Law 129-B, Enough is Enough, § 6440(6). To the extent applicable, students maintain these rights during resolution of a complaint under Process A and/or Process B.

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. NYSHRL

Sexual Harassment¹³

Sexual harassment is offensive, is a violation of University policies, is unlawful, and may subject Adelphi to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

All employees are encouraged to report any harassment or behaviors that violate this policy. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Title IX Coordinator.

Under the NYSHRL, “sexual harassment” is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or

¹³ The NYSHRL applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, and persons conducting business, regardless of immigration status, with Adelphi; all must follow and uphold this Policy. Any employee or individual covered by this Policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action.

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this Policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's

ideas or perceptions about how individuals of a particular sex should act or look.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Sexual harassment can occur between any individuals, regardless of their sex or gender. NYSHRL protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or Parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Preventing sexual harassment is everyone's responsibility. The University cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Title IX Coordinator, or to a supervisor or manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior immediately.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is available at adelphi.edu/hr/title-ix/report,

and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf. Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

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

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and respondents will be accorded due process, as outlined above, to protect their rights to a fair and impartial investigation. Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Adelphi will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy. NYSHRL sexual harassment claims will be handled as outlined above and in accordance with Process B.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by Adelphi but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at the University, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney. In addition to those outlined below, employees in certain industries may have additional legal protections.

a. New York State Division of Human Rights

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

Complaints with DHR may be filed any time within three years of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to Adelphi does not extend your time to file with DHR or in court. The three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney’s fees and civil fines. Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

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

b. U.S. Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An

individual can file a complaint with the EEOC anytime within 300 days¹⁴ from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining Parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

c. Local Protections and the Local Police Department

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Retaliation

No person covered by the NYSHRL Policy shall be subject to adverse action because the employee reports an incident of NYSHRL sexual harassment, provides information, or otherwise assists in any investigation of a NYSHRL sexual harassment complaint. Adelphi will not tolerate such NYSHRL retaliation against anyone who, in good faith, reports or provides information about suspected NYSHRL sexual harassment. Any employee of Adelphi who retaliates against anyone involved in a NYSHRL sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees¹⁵

¹⁴ Note: this is actual days, not business days.

¹⁵ A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons

working in the workplace who believe they have been subject to such NYSHRL retaliation should inform a supervisor, manager, or the Title IX Coordinator. All employees, paid or unpaid interns, or non-employees who believe they have been a target of such NYSHRL retaliation may also seek relief in other available forums, as explained above in the Legal Protections section.

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a NYSHRL sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours). Such retaliation is unlawful under federal, state, and (where applicable) local law. The NYSHRL protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

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

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

providing equipment repair, cleaning services or any other services provided pursuant to a contract with Adelphi.