



Sexual Misconduct Policy 2024

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Sexual Misconduct Policy

I. Introduction

Dominican University New York (“the University”) is committed to providing a safe and inclusive environment for all members of the University community that is free from sexual discrimination. The University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including admission and employment. The University is committed to providing options, support, and assistance to victims/survivors of sexual discrimination to ensure that each member of the University community can freely participate in all University programs, activities, and employment.

In furtherance of those goals, the University has developed this Policy to define prohibited sexual discrimination, establish procedures for determining when sexual discrimination has taken place, and provide recourse for members of the University community whose rights have been violated.

This Policy is intended to be consistent with the University’s obligations under Title IX of the Education Amendments Act of 1972 (“Title IX”); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”); New York State and City Human Rights law and New York State Education Law Article 129-B; and New York State Labor Law 201-G.

The University will update this Policy as soon as practicable to reflect any court rulings or changes that invalidate parts of the Policy, if applicable.

The requirements and protections of this Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the University’s policy or process may contact the Department of Education’s Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

II. Prohibited Conduct and Relevant Definitions

The University prohibits sexual discrimination, an umbrella term that is used to encompass sex-based harassment/gender-based harassment, which includes sexual assault, stalking, dating violence, and domestic violence, as defined below. Sexual discrimination and all acts of sexual discrimination, as set forth below, are strictly prohibited by the University.

Sexual harassment is considered a form of employee discrimination. Sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Retaliation

The University prohibits any form of retaliation (see definition below). No member of the University community or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, Title IX, or 34 CFR Part 106, or because the individual has made a report or complaint, testified,

assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, for the purpose of interfering with any right or privilege secured by this policy, Title IX, or 34 CFR Part 106, will also be considered retaliation by the University.

Special Circumstances:

1. The exercise of rights protected under the First Amendment does not constitute retaliation.
2. The University's charging an individual with an alleged conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Definitions Applicable to Sexual Discrimination

Sex-based harassment means conduct on the basis of sex that satisfies one or more of the following:

1. *Quid pro quo harassment*: An employee, agent, or other person authorized by the University explicitly or impliedly conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
2. *Hostile environment harassment*: Unwelcome conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it effectively limits or denies a person's ability to participate in or benefit from the University's education program or activity.
 - a. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access the University's education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within the University's education program or activity, previous interactions and other factors about each Party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the University's education program or activity;
3. *Sexual assault* (as defined in the Clery Act, 20 U.S.C. 1092(f)): Any sexual act (defined below) directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
4. *Dating violence* (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act): Any violence committed by a person:
 - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship;
 - ii. (ii) the type of relationship; and
 - iii. (iii) the frequency of interaction between the persons involved in the relationship;
5. *Domestic Violence*: Any felony or misdemeanor crimes committed by a person who
 - a. is a current or former partner of the victim under the family or domestic violence laws of New York, or a person similarly situated to a spouse of the victim;
 - b. is cohabiting, or has cohabitated, with the victim as a spouse or intimate partner;
 - c. shares a child in common with the victim; or
 - d. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York;
6. *Stalking*: Engaging in a course of conduct (e.g., repeatedly following, harassing, threatening or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method) directed at a specific person that would cause a reasonable person to: (a) fear for the individual's safety or the safety of others; or (b) suffer substantial emotional distress.

Note the above definitions will be utilized in determining whether an incident of Sexual Assault, Dating Violence, Domestic Violence or Stalking in violation of University policy by the preponderance of the evidence standard has occurred (and not to determine whether a crime has been committed). The above definition will also be utilized by the University for Clery Act Reporting purposes.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct, the Discrimination and Harassment Policy, or other University faculty and staff disciplinary policies as may be applicable.

Retaliation: Intimidation, threats, coercion, or discrimination by any person by at the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this grievance procedure or informal resolution process.

Peer Retaliation: Retaliation by a student against another student.

Other Definitions

Bystander – A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies the University.

Complainant –

- (1) A student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- (2) A person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the University's education program or activity

Complaint – An oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about any alleged sexual discrimination or sex-based harassment.

Confidential Employee – an employee of the University whose communications are privileged under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

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

- a. Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- b. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act.
- c. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- d. Consent cannot be given when a person is incapacitated. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent.
- e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm

Education Program or Activity – academic, extracurricular research, occupational training or other education program or activity operated by the University.

Force - the use of physical violence and/or imposing on someone physically to gain sexual access, including threats, intimidation, and/or coercion that overcome resistance or produce consent. Consent is not effective when forced.

Impact Statement - statement drafted by a member of the University community explaining to the University how the underlying incident(s) has impacted their life.

Party – Complainant or Respondent.

Preponderance of Evidence - the required standard for determining a violation under this Policy. The individual(s) charged with rendering a decision of a policy violation must be convinced, based on the information provided, that a policy violation was more likely to have occurred than to not have occurred in order to find a Responding Party responsible for violating this Policy.

Relevant Evidence - refers to evidence that tends to make an allegation of sex-based harassment more or less likely to be true and evidence that may aid a decisionmaker in determining whether the alleged conduct occurred. Relevant evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

1. Evidence and questions about the Complainant’s sexual predisposition or prior sexual behavior unless:
 - a. They are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant, or
 - b. They concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
2. Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
3. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
4. Any party’s records maintained by a physician, psychologist, or other recognized professional or paraprofessional unless the University obtains that party’s or witness’s voluntary, written consent for use in its grievance procedure.

Respondent—an individual who has been reported to be the perpetrator of conduct that could constitute sex-based harassment.

Sanctions – consequences imposed on a Respondent following a determination under this grievance procedure that the Respondent violated the University’s policy.

Sexual Activity— shall mean a “Sexual Act” and “Sexual Contact” as provided in 18 U.S.C. 2246(2) AND 18 U.S.C. 2246(3):

Sexual Act :

- Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
- Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual contact – the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sex - the biological and physiological characteristics that define men and women, i.e. male, female, intersex.

Supportive Measures—non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Such measures are designed to restore or preserve the Party’s 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 further sexual harassment.

Title IX - federal law, codified at 20 U.S.C. § 1681 et seq., that prohibits discrimination on the basis of sex in educational programs and activities. Specifically, the law provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under an educational program or activity receiving federal financial assistance.”

Title IX Coordinator - the Title IX Coordinator is the Dominican University New York employee responsible for ensuring that the University is complying with all Title IX regulations and is charged with the primary responsibility for coordinating the University’s Title IX compliance efforts, including determining whether to go forward with an investigation, coordinating the investigation of a complaint, and implementing additional Title IX regulations.

III. How does the Sexual Misconduct Policy impact other campus disciplinary policies?

The University maintains a corresponding Discrimination and Harassment policy to address reports of unlawful discrimination or harassment that fall outside of the Title IX. Moreover, the University reserves the right to proceed under the Student Code of Conduct or applicable faculty and staff disciplinary policies.

The elements established in this Policy have no effect and are not transferable to any other policy of the University for any violation of the community standards, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

IV. General Rules of Application and Disability Accommodations

Effective Date

This policy became effective on September 5th, 2024 and supersedes the policy in effect on August 01, 2024. The policy applies to all prohibited conduct occurring on or after the effective date of the policy. In the case of prohibited conduct occurring before the effective date of this policy where the report of such prohibited conduct is made on after the effective date, the procedures under this policy will apply. Reports that were made prior to the effective date of this policy will be addressed under the procedures in place at the time such reports were made.

Determining Jurisdiction

The Title IX Coordinator will determine if this Policy and its corresponding investigation and grievance hearing process should apply to a Complaint. This Policy will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 01, 2024;
2. The conduct is alleged to have occurred in one of the University's education program or activities; and
3. The alleged conduct, if true, would constitute sex-based harassment as defined in this Policy.

If all of the elements are met, the University will investigate the allegations in accordance with this Policy.

Note: If the alleged conduct, if true, includes conduct that would constitute covered sex-based and gender-based discrimination prohibited by this Policy AND conduct that would not constitute covered sex-based and gender-based discrimination, the Title IX investigation and grievance hearing process will be applied in the investigation and adjudication of all of the allegations.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule amended in 2024 be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this Policy, this Policy, or the invalidated elements of this Policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should this Policy be revoked in this manner, any conduct covered under this Policy shall be investigated and adjudicated under the existing Student Code of Conduct, the Discrimination and Harassment Policy, or other University disciplinary policies as may be applicable.

Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or after the Title IX Grievance Procedure that do not fundamentally alter the Procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Requests for Reasonable Accommodations During the Title IX Grievance Procedure

If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with the University's Office of Special Services to provide support to students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

V. Bill of Rights

All members of the University Community have the right to:

1. Make a report to local law enforcement and/or state police;

2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care 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 employee, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the investigative and grievance process including during all meetings and hearings related to such process (see Advisor section below for additional information); and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

VI. Amnesty Provision

The health and safety of every student at the University is of utmost importance. The 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 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.

VII. The Importance of Preserving Evidence and Forensic Examinations

Whether or not you choose to report an act of sexual discrimination, it is important to preserve evidence of the assault in case you later wish to report the sexual discrimination to law enforcement or University officials. If you have cleaned up after an assault or no longer have evidence, you

may still report the incident and an investigation will follow, but it will help police and investigators to have all available evidence.

To preserve evidence of a sexual assault do not wash your hands or face; do not shower or bathe; do not brush your teeth; and, do not change clothes or straighten up the area where the assault took place. If you remove clothing, try to preserve the clothing in a paper bag.

To preserve evidence of physical violence take photographs of any bruising or other visible injuries.

Email, social media posts, text messages, and/or voicemails may also provide evidence of sexual discrimination.

The Center for Safety and Change, Nyack Hospital, and Good Samaritan Hospital provide Sexual Assault Forensic Examiner (“SAFE”) services. SAFE Examiners offer prompt, compassionate, non-judgmental care and forensic examination for injury identification and evidence collection.

Contact information for these organizations is provided in Section XV (Off-Campus Resources).

Forensic Examination

Within 96 hours* of a sexual assault, the assault victim has the option to undergo a Sexual Assault Forensic Exam at a local hospital for purposes of evidence collection. This option is available even if the assault victim has not decided whether she or he wishes to pursue any action against the alleged perpetrator. The exam is performed by a skilled clinician and includes assessment for and treatment of injury, addressing concerns of pregnancy and sexually transmitted infections, and collection of evidence.

- Choosing to undergo a Sexual Assault Forensic Exam (commonly referred to as a “Rape Kit”) does not require the individual to report the incident to an external law enforcement agency or to the University. Undergoing the exam, however, will help to ensure that the victim receives proper care and preserves her or his opportunity to support a disciplinary or criminal action if she or he decides later to prosecute, seek a protective order or report the incident to the University.
- While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. Individuals are encouraged to let hospital personnel know if they do not want their insurance policyholder to be notified about access to these services.
- The New York State Office of Victim Services may be able to assist in compensating individuals for health care and counseling services, including emergency funds. More information may be found at <https://ovs.ny.gov/sites/default/files/brochure/rights-crime-victims-booklet-final-8-24-20.pdf> or by calling 1-800-247-8035. Options are explained at <https://ovs.ny.gov/help-crime-victims>.

*Even if 96 hours have elapsed, the exam is still recommended, although its utility may be diminished. Therefore, persons believing that they have been the subject of a sexual assault are advised to seek and secure a Sexual Assault Forensic Exam at the earliest possible opportunity.

VIII. Reporting a Potential Policy Violation

The University takes all allegations of sexual discrimination seriously and encourages any member of the University community who has been a victim of sexual discrimination or a witness to sexual discrimination to report the incident to University officials. The reporting party may elect to make a confidential or non-confidential disclosure using the avenues set forth below.

In addition to reporting the incident to the University, please note that you may always dial 911 or contact the Orangetown Police Department (Telephone: 845/359-3700) to report an emergency, ongoing threat, or potential criminal conduct to law enforcement. It is your choice whether to report an act of sexual discrimination to law enforcement.

A. Confidential Disclosures

If a member of the University community wishes to discuss a potential violation of this policy, but wishes to maintain complete confidence, then the individual may speak with professional counselors and/or pastoral counselors at the following offices, who are not required to report potential violations of this Policy to the Title IX Coordinator:

Dominican University Counseling Services	Alise Cohen, LCSW, BCD	Telephone: (845) 848-4036
	Location: DePorres Hall Hours: Monday – Friday, 9:00 a.m. – 5:00 p.m.	
	Eileen A. Piccininni, MA, LPC, CASAC, CEAP	Telephone: (845) 848-4030
	Location: Casey Hall Hours: Monday – Friday, 9:00 a.m. – 5:00 p.m.	
Dominican University Health Center	Director: Lynda Chesterman	Telephone: (845) 848-7918
	Assistant Director: Julie Albrecht	Telephone: (845) 848-7923
	Location: Granito Center, 2nd Flr Hours: Monday- Friday 9am-5pm	

If an employee wishes to discuss a potential violation of this policy, but wishes to maintain complete confidence, then the individual may utilize the Employee Assistance Program (EAP) which is available 24 hours a day, 7 days a week and is completely confidential.

Employee Assistance Program (EAP)	Hours: 24 hours, 7 days a week	Telephone: (800) 252-4555 (800) 225-2527
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There are other confidential options available for crisis intervention, resources and referrals, but these are not reporting mechanisms to the institution, meaning that disclosure on a call to one of these hotlines does not provide any information to University.

Some resources for confidential disclosure **NOT** to the University are:

- The New York State Office for the Prevention of Domestic Violence hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that can be found and are presented in several languages can also be found here: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906).
- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
- Legal Momentum: <https://www.legalmomentum.org/>;
- NYCASA: <https://nycasa.org/responding>;
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
- GLBTQ Domestic Violence Project: <http://glbtqdv.org/>;
- RAINN: <https://www.rainn.org/get-help>; and
- Safe Horizons: <http://www.safehorizon.org/>.

B. Non-Confidential Disclosures

Any person may report sex discrimination, including sex-based harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual discrimination or sex-based harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Jonathan Delgado, M.S.

Assistant Dean for Student Development & Title IX Coordinator
(845) 848-5012

Jonathan.Delgado@dunyc.edu

In the event that the Title IX Coordinator is unable to serve in this capacity for any reason, an administrator will be designated to fulfill this responsibility. The 'acting' Title IX Coordinator is listed on the Dominican University website, and if it should be necessary to appoint someone other than the above-listed individual, official notice will be sent via University email to the entire community.

In addition, members of the University community may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), to non-confidential Dominican University faculty and staff members. All non-confidential Dominican University faculty and staff members are considered mandatory reporters and must report potential violations of this Policy to the Title IX Coordinator.

C. Privacy vs. Confidentiality

References made to confidentiality refer to the ability of identified confidential resources (see above) to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse.

References made to privacy mean the University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

D. Additional Reporting Information

Statistical Reporting: The Clery Act is a federal law requiring institutions of higher education to collect and report statistics on certain crimes in an Annual Security Report. Campus Security Authorities at the University have a duty to provide Public Safety and Security with information regarding certain crimes when they are reported. All personally identifiable information is kept confidential, but statistical information regarding Clery reportable crimes must be shared, including the date and location of the incident (but not the specific address) and information about the reported crime, to allow for proper classification. This report provides the University community with information about the extent and nature of crime on the University's campus and helps ensure greater community safety.

Timely Warning Notifications: If a report of Sexual Discrimination reveals that there is an immediate threat to the health or safety of students or employees on campus, or that an ongoing serious or continuing threat to the campus community exists, an emergency Timely Warning notification will be issued by the University. The purpose of the Timely Warning notification is to enable individuals to protect themselves and to increase safety awareness, as well as seek information that will lead to eradication of the threat. The Complainant's name and other personally identifiable information will not be included in any Timely Warning notification or public safety advisory.

IX. Initiating a Complaint

A. Complaint

A Complaint can be made by a Complainant (as defined in Section II) or the Title IX Coordinator. A Complaint can be an oral or written request to the University.

Any reports of sex-based harassment may be made directly to the Title IX Coordinator. The University requires that any employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of the University or has responsibility for administrative leadership, teaching, or advising in the University's education program or activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including sex-based harassment.

B. Absence or Withdrawal of a Complaint

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, the Title IX Coordinator will determine whether to initiate a Complaint. If the Title IX Coordinator determines that the conduct as alleged present as an imminent and serious threat to the health or safety of the Complainant or

other person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint. In deciding whether to initiate a Complaint, the Title IX Coordinator will consider the facts of the specific case and will consider the following factors:

1. A pattern of alleged conduct by the Respondent;
2. The involvement of violence or weapons;
3. The seriousness of the alleged sexual harassment;
4. The age of the individual harassed;
5. Whether there have been other complaints or reports of harassment against the Respondent; and
6. Similar factors in a Complainant's allegations.

C. Response to a Complaint

If the Title IX Coordinator determines the Complaints falls under this grievance procedure the Notice of Allegations will be issued as soon as practicable. The grievance process will be concluded in a prompt and equitable manner. If there are any delays or extensions, the Title IX Coordinator will appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

Initial Meetings

The Title IX Coordinator will promptly meet independently with both the Complainant (if known) and Respondent.

1. Meeting with the Complainant

Upon obtaining a Complaint, the Title IX Coordinator will promptly contact the Complainant (if known) to:

1. Discuss the availability of supportive measures;
2. Consider the Complainant's wishes with respect to supportive measures;
3. Inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint and, if applicable, the filing of a crime to local law enforcement;
4. Explain what the University's grievance process and/or informal resolution entails; and
5. Discuss protection from, and reporting of, incidents of retaliation.

In addition, when a student or employee reports an incident of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, the Title IX Coordinator will also:

1. Provide the Complainant a copy of the Bill of Rights (if applicable), including a review of his or her rights and options;
2. Provide written notification of the counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for complainant both within the University and in the community;

3. Discuss the importance of preserving relevant evidence or documentation in the case (e.g., texts, emails, notes, photographs (etc.)).

The Title IX Coordinator will consider the Complainant's wishes with regard to supportive measures. If supportive measures are not provided to a Complainant, the Title IX Coordinator will document why they were not provided and why not providing such measures is not deliberately indifferent.

2. Meeting with the Respondent

The Title IX Coordinator will also promptly contact the Respondent, who will also be offered supportive measures and be provided with a copy of the Student Bill of Rights (if applicable).

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include, but are not limited to, the following:

1. Counseling;
2. Extensions of deadlines or other course-related adjustments;
3. Modifications of work or class schedules;
4. Campus escort services;
5. Mutual restrictions on contact between the parties;
 - a. When a No Contact order is in effect, continued contact between the Parties is a violation of University policy and may result in additional conduct charges.
 - b. If the Respondent and Complainant observe each other in a public place, it is the responsibility of the Respondent to leave the area immediately and without directly contacting the Complainant.
 - c. The Complainant also should take reasonable steps to avoid or minimize contact with the Respondent.
 - d. Both Parties may request a prompt review by the Title IX Coordinator of the need for and terms of a No Contact Order. Parties may submit evidence in support of their request.
6. Changes in work or housing locations;
7. Assistance with course withdrawals;
8. Transportation accommodations, such as shuttle service, cab voucher, or parking arrangements to ensure safety and access to other services;
9. Increased security and monitoring of certain areas of the campus; and

10. Other similar measures.

For international students, supportive measures may also include assistance with immigration and visa issues.

The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality will not impair the ability of the University to provide the supportive measures.

Process for Review of Supportive Measures

The University provides for a Complainant or Respondent to seek modification or reversal of the University's decision to provide, deny, modify or terminate a supportive measure. Grounds for challenge of supportive measures include, but are not limited to:

- Whether a supportive measure is reasonably burdensome;
- Whether a supportive measure is reasonably available;
- Whether a supportive measure is being imposed for punitive or disciplinary reasons;
- Whether the supportive measure is being imposed without fee or charge; and
- Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the education program or activity, provide safety, or provide support during the grievance procedure.

Request for a modification or reversal of a supportive measure must be timely, and should be submitted within 10 number of school days.

This review will be conducted by an impartial employee of the University, who did not make the challenged decision on the original supportive measure request. The impartial employee of the University who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders)

Local Law Enforcement Involvement

Nothing in this Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process. The University's process is an administrative process that is different from the criminal justice process. Per New York state law, it is required that the University's process run concurrently with a criminal justice investigation and proceeding, however, temporary delays are allowed as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

Note on Orders of Protection and their equivalent: The University must provide a copy of the order of protection or equivalent when it is received by the University and Parties shall have

the opportunity to meet or speak with the Title IX Coordinator, who can explain the order and answer questions about it, including information from the order about the Accused's/Respondent's responsibility to stay away from the protected person or persons.

Parties are entitled to an explanation of the consequences for violating these orders, including without limitation, arrest, additional conduct charges, and interim suspension or emergency removal, as applicable. A Complainant is also entitled to receive assistance from the University to call on and assist local law enforcement in effecting an arrest for violating such order, in accordance with limits on current law enforcement jurisdiction and procedures.

D. Dismissal of a Formal Complaint

The University may dismiss a complaint of sex-based harassment for any of the following reasons:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not employed by the University or is not participating in the University's education program or activity;
- A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a complaint and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex-based harassment under Title IX or this grievance procedure even if proven;
- The conduct alleged does not constitute sexual discrimination as defined in this Policy even if proved (the University will make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis);
- The conduct alleged did not occur in the University's education program or activity; or

Upon a dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties, as well as notice of the right to appeal the dismissal.

Notice of Dismissal

If the University dismisses a complaint, the University will promptly notify the Complainant of the basis for dismissal. The University will still offer supportive measures and will take prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the University's education program or activity.

If the dismissal of the complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator does not need to provide notice to the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will need to be noticed of the complaint allegations and given an opportunity to respond to the dismissal.¹ If the dismissal occurs after the Respondent has been notified of the allegations, then the University must notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

¹ 89 FR 33689.

Appealing a Dismissal

The University must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity to appeal the dismissal of a complaint on the following grounds:

- Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the University's own policy to a degree that had material effect on the outcome of the matter);
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal of the complaint was made; and
- The Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, the University must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

If the dismissal is appealed, the University will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker (who has been trained consistent with the Title IX regulations) for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the results of the appeal and the rationale for the result.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures remain available during the pendency of the appeal.

X. The Grievance Procedure

A. Notice of Allegation(s) to the Parties

Upon initiating the grievance procedure, the Title IX Coordinator will provide the following written notice to the Parties whose identities are known:

1. Notice of the University's applicable grievance process, including information regarding the informal resolution process (see the Informal Resolution section below).

2. Notice of the allegations potentially constituting sex-based harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identities of the parties involved in the incident, if known;
 - b. The conduct allegedly constituting sexual harassment; and
 - c. The date and location of the alleged incident, if known.
3. 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 applicable grievance process.
4. A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, during the grievance hearing, and may inspect and review evidence during the University's investigation process.
5. A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and subject to disciplinary action.
6. A statement explaining the prohibitive behavior of retaliation.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above or that are included in a Complaint that is consolidated, the Title IX Coordinator will provide notice of the additional allegations to the Parties whose identities are known.

B. Consolidation of Complaints

The Title IX Coordinator may consolidate Complaints as to allegations of sexual discrimination 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 sexual discrimination arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

C. Emergency Removal

The Title IX Coordinator may remove a Respondent student from a University's education program or activity on an emergency basis, provided that the Title IX Coordinator (or designee):

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sex-based harassment justifies removal; and
3. Provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

An emergency removal does not replace the regular grievance hearing process, which shall proceed on the normal schedule, up to and through a hearing, if required.

How to Challenge an Emergency Removal Decision

Challenges are resolved by the Vice President for Enrollment Management, or designee. The challenge must be submitted in writing by the Respondent within five (5) business days after the receipt of the Title IX Coordinator's emergency removal decision.

The challenge statement must specify the grounds for the challenge and include any evidence in support of the grounds. The grounds for an appeal are limited to:

1. Information that a procedural error affected the decision;
2. Information that a factual error affected the decision; or
3. Additional information relevant to the assessment that was not available at the time of the initial safety and risk analysis.

During the challenge, the emergency removal decision will remain in place. A written response to the appeal will be provided by the Vice President for Enrollment Management, or designee, to the Respondent by mail and email (if both addresses are known) within five (5) business days of receiving the written challenge. The outcome of the challenge is final.

D. Administrative Leave

The University may place a non-student employee Respondent on administrative leave during the pendency of a formal grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Note on student employees: when a Complainant or Respondent is both a student and an employee of the University, the University must make a fact-specific inquiry to determine whether this procedure applies to that student employee. The University will consider if the Complainant or Respondent's primary relationship with the University is to receive an education and whether the alleged sex-based harassment occurred while the Party was performing employment-related work.

E. False Complaint

It is a violation of this Policy for anyone knowingly to make false accusations of discrimination or harassment. A determination that a Complaint is not meritorious, however, is not necessarily equivalent to a false allegation and a finding for the responding party does not necessarily constitute a finding that the Complaint was made in bad faith.

F. Advisor of Choice and Participation of Advisor of Choice

The University will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of the University.

The University will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The University's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other University policies apply to matters governed under this Policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the University.

XI. Optional Informal Resolution

At any time prior to determining whether sex-based harassment occurred under this grievance procedure, including prior to making a Complaint, Parties may elect to enter the informal resolution process.

Before the initiation of an informal resolution process, the Title IX Coordinator must provide the Parties a written notice with the following information:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the University's Grievance Procedures;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming the University's Grievance Procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in its Grievance Procedures if they are initiated or resumed.

The Title IX Coordinator will determine if Informal Resolution is appropriate, based on the willingness of the parties and the nature of the conduct at issue. *Informal Resolution may not be used as the primary resolution mechanism to address allegations that a Dominican University New York employee sexually harassed a student or a minor.*

If, after receiving written notification of the above rights, the Parties both voluntarily consent in writing to pursue informal resolution, the Title IX Coordinator will assign a trained administrator or third-party external to the University to facilitate the informal resolution process.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within the University's Education Program or Activity.

At any time after the commencement of the informal resolution process, the Title IX Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the grievance procedure. This determination is not subject to appeal.

Potential Informal Resolution Agreements

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of the University's education programs or activities or attendance at specific events, including restrictions the University could have imposed as remedies or disciplinary sanctions had the University determined at the conclusion of the Grievance Procedures that Sex-Based Harassment occurred.

If a Party breaches the resolution or if the University has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, the University may void the informal resolution agreement and initiate or resume the grievance procedure.

Informal Resolution Options

The University offers the following informal resolution procedures for addressing complaints of Sex-Based Harassment described under this Grievance Procedures:

Mediation: The purpose of mediation is for the Parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate remedies to address them. The purpose of mediation is not to find fault. Mediation does not require an admission of guilt or responsibility; it only requires that the Parties agree to work together to develop a final resolution.

Either Party can request mediation to seek resolution; mediation will be used only with the consent of both Parties, who will be asked not to contact one another during the process. The Title IX Coordinator will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either Party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence promptly after the Title IX Coordinator receives consent to mediate from both Parties, and has made its determination to allow informal resolution to go forward. Mediation will continue until concluded or terminated by either Party, the facilitator, or the Title IX Coordinator. During mediation, any potential investigation will

halt, and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded, and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution, including investigation or proceeding forward with the Grievance Procedures.

During mediation, a facilitator will guide a discussion between the Parties. In circumstances where the Parties do not wish to meet face to face, either Party can request “caucus” mediation, and the facilitator will conduct separate meetings. Whether or not the Parties agree to meet face to face, each Party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the Parties. The Title IX Coordinator will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

Restorative Justice: A restorative justice (“RJ”) Conference is a dialogue, facilitated by a trained facilitator, intended to restore relationships and repair harm after a conflict has occurred. Both the responsible Party and the individuals affected by the conflict come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired.

A Party may request to engage in RJ at any stage of the disciplinary process, however, restorative justice may not be an appropriate mechanism for all conflicts. To qualify for RJ, the student accused of wrongdoing must admit they harmed the Complainant, focus on the Complainant’s needs, repair the harm caused, and change future behavior.

The RJ Conference proceeds only if all Parties agree to participate willingly. The RJ process will typically commence promptly after the Title IX Coordinator receives consent from both Parties, and has made its determination to allow informal resolution to go forward. The conference will continue until the conference is successfully concluded or until the trained facilitator determines that the conference will not be successful. If successful, an agreeable resolution is reached by all involved Parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution.

If both Parties are satisfied with a proposed resolution after participating in the informal resolution process and the Title IX Coordinator believes the resolution satisfies the University's obligation to provide a safe and non-discriminatory environment, the resolution will be implemented, the investigation and grievance hearing process will be concluded, the matter will be closed, and both parties will be provided with written notice of the resolution.

If, however, informal resolution efforts are unsuccessful, the investigation and/or grievance hearing phase will continue.

Informal resolution will typically be completed within thirty (30) days, or such other time as is reasonable and practicable. In circumstances when it is not reasonable and practicable to complete the informal process in a 30-day time frame, both the Complainant and the Respondent will be notified in writing regarding the delay and anticipated completion date.

The Title IX Coordinator will maintain records of all reports and conduct resolved through informal resolution for a period of seven (7) years.

XII. Formal Investigation and Grievance Hearing Phases

The University has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participation or attempting to participate in its education program or activity , or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

A. Investigation Phase

For all Complaints that proceed to investigation, the Title IX Coordinator will designate a specially trained impartial investigator (or team of investigators) either internal or external to the University to interview and gather relevant evidence from the Parties and any witnesses. The investigator(s) will also work with the Public Safety and Security, as well as other campus offices to gather pertinent documentary materials (if any) and other relevant information. The University may, at any time, elect to engage a third party to conduct the investigation process, in whole or in part.

General Rules of Investigations

When investigating a Complaint and throughout the grievance process, the University, under the supervision of the Title IX Coordinator, will:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties;
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence (e.g., no “gag orders”);
4. Provide the Parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both Parties;
5. Provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is relevant to the allegations of sex discrimination and not

otherwise impermissible, so that each may meaningfully respond to the evidence prior to conclusion of the investigation.

The Title IX Coordinator will communicate with the investigator(s) regularly throughout the investigation to ensure that the investigation is thorough, impartial, and fair and that the above guidelines are adhered to.

The Investigation

The University's formal investigation may include, but is not limited to:

1. Conducting interviews of the Complainant, the Respondent(s), and any witnesses (witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character):
 - a. The investigator(s) will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the Party to prepare to participate;
 - b. The investigator(s) will take handwritten or typed notes of all interviews and based on those notes will prepare written statements for each interviewee. The Parties and witnesses will have the opportunity to review their own statement and provide the investigator(s) with corrections or revisions prior to the conclusion of the investigation;
2. Reviewing law enforcement investigation documents, if applicable;
3. Reviewing relevant materials from student and personnel files; and
4. Gathering, examining, and preserving other relevant documents and physical, written (including medical records), and electronic evidence (including social media, security camera footage, etc.).

Both Parties may have an advisor accompany and advise them, but not actively participate, throughout the investigation process.

Inspection and Review of Evidence

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible, to the investigator(s). The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with this grievance procedure.

Each Party and their advisors of choice will have an equal opportunity to review and access the evidence that is relevant to the allegations of sex-based discrimination and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The investigator(s) will provide each Party with a reasonable opportunity to respond to the evidence prior to the completion of the investigative report.

The University will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through this grievance procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to the University's Student Code of Conduct.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex-based harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

The Investigative Report

At the conclusion of the investigation and after the expiration of the ten day written response period, the investigator(s) will issue an investigative report to the parties that fairly summarizes relevant evidence and, at least 10 business days prior to a formal grievance hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each Party and the Party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator(s), but only to provide a fair summary of that evidence. Only relevant evidence will be referenced in the Investigative Report. Moreover, the Investigator(s) may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

Each party will have the opportunity to respond to the investigative report ten days prior to the grievance hearing.

B. Grievance Hearing Phase

Following the opportunity for review and comment of the investigator's report, the Title IX Coordinator will forward the case to a specially trained impartial Administrative Reviewer(s) (a staff member or team of staff members trained on Title IX policy and procedure) to conduct the hearing. The Administrative Reviewer(s) may not have a conflict of interest and cannot have participated in the investigative process.

1. Notice of Grievance Hearing

The Title IX Coordinator will send a written notice of the hearing to the parties at least ten business days prior to the hearing date. The written notice will include the following information:

1. The date, time, location and factual allegations concerning the alleged policy violation;
2. The specific policy allegedly violated;
3. Possible sanctions;
4. The time, date, and location of the hearing and the contact information of the Administrative Reviewer(s) assigned to hear the matter;
5. Information about requesting reasonable accommodations for the hearing;
6. A copy of the University's hearing rules and procedures;

7. Notice of the requirement that an advisor must conduct cross examinations directly, orally, and in real time at the hearing and that if a party does not have an advisor, the University will provide one free of charge;
8. The process for requesting witnesses;
9. Notice of the right to request that the parties be separated with the utility of technology to enable the parties to see and hear one another as needed from different rooms; and
10. Notice of the right to file a protest to the appointment of an Administrative Reviewer or Reviewers by identifying a possible conflict of interest in writing to the Title IX Coordinator.

In addition to the above, the Respondent's written notice will further contain the option to acknowledge full, partial, or no responsibility for the alleged violations prior to the hearing. At any time prior to the date of the hearing, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged discrimination. In such a situation, the assigned Administrative Reviewer(s) may propose sanction(s) for the Respondent and, if the Complainant and the Respondent agree to such proposed sanction(s), then the Complaint may be resolved without a hearing and without any further rights of appeal by any party. If either the Complainant or the Respondent objects to such proposed sanction(s), then the Administrative Reviewer(s) will convene a hearing for the exclusive purpose of determining a sanction.

2. Hearing Rules

The grievance hearing is conducted in a fair and equitable manner for the purpose of determining whether it is more likely than not that the respondent committed an act of sex-based harassment in violation of this policy (i.e. "the preponderance of the evidence" standard).

The following rules apply to all grievance hearings:

1. Both Parties will be treated fairly and equitably throughout the live hearing process;
2. Hearings will be private and closed to everyone except the involved persons;
3. The live hearing may be conducted in person or virtually at the discretion of the Administrative Reviewer(s);
4. At the request of either party, the parties will be separated with the utility of technology to enable the parties to see and hear one another as needed from different rooms.
 - a. The use of such technology must enable the Administrative Reviewer(s) and parties to see and hear the witnesses testify;
 - b. Training in the usage of such technology will occur before the hearing to ensure proper execution;
5. Both parties will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
6. The Respondent is presumed not responsible until determined responsible for the alleged violation(s) at the end of the grievance process based upon a preponderance of the evidence, or more likely than not, standard;
7. During the hearing, the Parties' respective advisors will be required to conduct cross-examination directly, orally, and in real time:

- a. Cross-examination may not be conducted directly by a Party;
 - b. If a Party does not have an advisor, the University will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the Party;
 - c. The advisor is not prohibited from being a witness in the matter;
 - d. If a Party does not attend the live hearing, the Party's advisor may appear and conduct cross-examination on their behalf;
 - e. If neither a Party nor their advisor appear at the hearing, the University will provide an advisor to appear on behalf of the non-appearing Party.
8. During the hearing, the Administrative Reviewer(s) will have the right to determine the relevancy of any questions asked on cross-examination and may exclude any irrelevant questioning.
 - a. The Administrative Reviewer(s) must provide an explanation to the parties for excluding a question on the basis of irrelevancy.
 - b. Questions about the predisposition or prior sexual behavior of the Complainant are deemed not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove someone other than the Respondent committed the alleged conduct, or 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;
 - c. Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation;
 - d. If a Party or witness does not attend or does not submit to cross-examination at the hearing, the Decision Makers may nevertheless rely on any relevant statement of that Party or witness in reaching a Determination Regarding Responsibility;
 - e. The Administrative Reviewer(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;
9. An audio recording of the hearing will be created by the University, which shall remain the property of the University, but made available to the Parties for inspection and review;
10. Cell phones and recording devices may not be used in the hearing room(s) (unless approved by the Administrative Reviewer(s) in advance) and must be turned off before the hearing convenes;
11. Formal rules of evidence shall not be applicable;
12. The Administrative Reviewer(s) may call any relevant witness to participate in a proceeding. Admission of any person to the hearing will be at the discretion of the Administrative Reviewer(s);
13. Pertinent records, video-surveillance images, relevant exhibits, and written statements may be accepted as information for consideration by the Administrative Reviewer(s). The

applicability and weight of such evidence is determined at the sole discretion of the Administrative Reviewer(s);

14. The Administrative Reviewer(s) will objectively review all relevant evidence—including both inculpatory and exculpatory evidence—and ensure that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness;
15. The Administrative Reviewer(s) may temporarily delay the grievance hearing or extend time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as:
 - a. The absence of a Party, a Party’s advisor, or a witness;
 - b. Concurrent law enforcement activity; or
 - c. The need for language assistance or accommodation of disabilities.

3. Hearing Procedures

The following is a general description of procedures for the live grievance hearing. These procedures may vary as appropriate for specific hearings at the discretion of the assigned Administrative Reviewer(s).

1. The Administrative Reviewer(s) will open and establish rules and expectations for the hearing;
2. Presentation of the investigation report by the investigator, followed by questions to the investigator by the Administrative Reviewer(s) and then cross examination by the Parties’ advisors;
3. Complainant statement, followed by questions to the complainant by the Administrative Reviewer(s) and then cross examination by the respondent’s advisor;
4. Respondent statement, followed by questions to the respondent by the Administrative Reviewer(s) and then cross examination by the Complainant’s advisor;
5. Fact and expert witness questioning by the Administrative Reviewer(s), followed by cross examination by the Parties’ advisors;
6. Closing statement by Complainant;
7. Closing statement by Respondent.

Additional Cross-Examination Rules:

1. Before any cross-examination question is answered, the Administrative Reviewer(s) will determine if the question is relevant;
2. Cross-examination questions that are duplicative of those already asked, including by the Administrative Reviewer(s), may be deemed irrelevant if they have been asked and answered;
3. During the Parties’ cross-examination, the Administrative Reviewer(s) will have the authority to pause cross-examination at any time for the purposes of asking its own follow up questions; and any time necessary in order to enforce rules of decorum.

4. Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Administrative Reviewer(s). A Party's waiver of cross-examination does not eliminate the ability of the Administrative Reviewer(s) to use statements made by the Party.

4. Written Determination and Notification

Following the hearing, the Administrative Reviewer(s) will review all relevant and not otherwise impermissible evidence presented through the investigation and live hearing processes and then issue a written determination regarding responsibility, which includes:

1. The allegations of sexual discrimination;
2. A description of the procedural steps taken;
3. Findings of fact;
4. Information about the policies and procedures used to evaluate the allegations;
5. A statement with rationale detailing the result of each allegation using the preponderance of evidence standard;
6. A listing of any imposed sanctions and any remedies provided; and
7. An explanation of the University's appeal process.

The written determination will be delivered simultaneously to both parties within ten business days after the hearing, unless the Administrative Reviewer(s) determines additional time is needed to make a decision.

C. Use of the Preponderance of the Evidence Standard

The Preponderance of Evidence standard is the required standard for determining whether a Policy violation has occurred. The Administrative Reviewer(s) charged with rendering a decision of Policy violations must be convinced, based on the relevant and not otherwise impermissible evidence, that a Policy violation was more likely to have occurred than to not have occurred in order to find a Responding Party responsible for any violation of this Policy.

D. Available Disciplinary Sanctions

The Administrative Reviewer(s) will determine the appropriate sanction in the event that the Respondent is found responsible by the preponderance of the evidence standard for violating this Policy. The Administrative Reviewer(s) determination will be in writing and shared simultaneously with the Parties as detailed in the Written Determination and Notification clause above.

Any one or more sanctions listed below may be imposed by the Panel as applicable:

Student Respondents: Sanctions and/or responsive action for students may include warnings, fines, restitution, discretionary sanctions, assignment to complete an educational program or project, loss of privileges, residence hall probation, administrative relocation, residence hall suspension, suspension or removal from a University team, club or activity, termination of recognized status of a University team, club or activity, residence hall expulsion, University probation, University suspension, University expulsion, revocation of admission, and/or withholding or revocation of a degree (whether or not that degree has been

conferred). This list is not exclusive, but is intended to be illustrative of the common forms of sanction that may be issued upon a finding of student responsibility.

Employee Respondents: Sanctions and/or responsive action for employees or volunteers may include work restrictions, requirement to attend training or other education, requirement to obtain counseling, salary reduction or limitation, loss or reduction of an employment-related benefit or privilege, an oral warning, a written reprimand, suspension from employment, and/or dismissal from or termination of employment. This list is not exclusive, but is intended to be illustrative of the common forms of sanction that may be issued upon a finding of employee responsibility.

E. Impact Statement

If it has been determined that this Policy was violated, then both the Complainant and Respondent have the right to present an impact statement to the Administrative Reviewer(s) to be considered during the sanction process. The impact statement(s) must be provided to the Administrative Reviewer(s) within five (5) business days of notification of the written determination.

F. Remedial Action

In addition to the imposition of disciplinary sanctions, the Title IX Coordinator may take remedial action(s) to protect the Complainant and the University community. Remedial actions are considered separate from, and in addition to, any disciplinary sanction or supportive measure that may have been provided.

G. Appeals

Within ten business days of the delivery of the written determination, either Party may appeal the decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the appeal believes the determination of responsibility and/or sanctions were inappropriate. A Party appealing under this section may only appeal on the following grounds:

1. Procedural error by the Investigator(s) or Hearing Officer/Hearing Panel that materially prejudiced the Party requesting review; and/or
2. Newly discovered material information that was not known to the Party requesting review and not available to the Investigator(s) and Hearing Officer/Hearing Panel which likely would have changed the finding of responsibility or the sanction imposed, had it been available; and/or
3. The Title IX Coordinator, Investigator(s), or Hearing Officer/Hearing Panel had a conflict of interest or bias that affected the outcome.

The Party submitting the appeal must set forth, in detail, the grounds for review and must attach all materials that they wish to have considered in the appeal process. If both the Complainant and Respondent appeal, the appeals will be considered concurrently. The Title IX Coordinator may dismiss the appeal for failing to state one of the grounds for appeal listed above. Failure to submit a written appeal within ten business days forfeits the right to appeal under this Policy, regardless of the outcome of the other Party's appeal (if submitted). If either the Complainant or Respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing Party may submit a written response within five (5) days after notice of the appeal.

The Appellate Officers: A trained, impartial panel of three administrators/faculty will be assigned to be the Appellate body. The Appellate Officers will decide the merits of any appeal and, in doing so, may consult with the Investigator(s), the Title IX Coordinator, the Administrative Reviewer(s) and any other individual the Appellate Officers deem appropriate. Appeals are decided based on the objective evaluation of the record of the original proceeding and any relevant evidence submitted by the Parties.

The Appeals Officers shall not substitute the officer's judgment for the decision of the Administrative Reviewer(s) or attempt to rehear the case. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

Sanctions of all types (including, but not limited to, any form of suspension, dismissal, or separation from the University) may be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Appellate Officers may:

1. Deny the appeal and affirm all or part of the determination of responsibility or the determination of sanction; or
2. Refer the matter back to the Administrative Reviewer(s) for further consideration, with specific instruction. In the event of a referral for further consideration, the Title IX Coordinator will be consulted and further proceedings may commence, as appropriate under the circumstances, consistent with this Policy.

Note: Cases should only be recommended for remand for a new hearing if the specified procedural errors or conflict of interest was so substantial, they effectively denied the Respondent or Complainant a fair and impartial hearing, or new evidence merits a new hearing.

The decision of the Appellate Officers regarding the appeal will be in writing, describing the result of the appeal and the rationale for the result, and is final. The Title IX Coordinator will inform the Parties simultaneously and in writing of the outcome of the appeal.

Once the appeals process is completed, it shall be the responsibility of the Title IX Coordinator to oversee the implementation of any imposed sanctions, as applicable.

XIII. Transcript Notations

If a student is found responsible under this Policy for a Clery Act Crime of Violence, as defined below, including a sexual offense, then the University will make a notation to the responsible student's official University transcript of any sanction that was issued to the student "after a finding of responsibility for a code of conduct violation," such as "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."

If a student withdraws from the University while conduct charges are pending against him or her, then his or her transcript will be marked that he or she "withdrew with conduct charges pending."

To appeal the transcript notation, a student must petition the Office of the Registrar to remove the transcript notation. A transcript notation for suspension shall not be removed prior to one year after the conclusion of the suspension. A transcript notation for expulsion shall not be removed. If the appeal is granted, then transcript notations shall be removed within thirty (30) days of the granting of the appeal.

If a finding of violation of this Policy is vacated, then the transcript notation shall be removed. The transcript notation will be removed within thirty (30) days after the finding is vacated.

XIV. On-Campus Resources

The following resources are provided at no cost to student/faculty/administrators/staff.

Dominican University Counseling Services	Alise Cohen, LCSW, BCD Location: Deporres Hall Hours: Monday – Friday, 9:00 a.m. – 5:00 p.m.	Telephone: (845) 848-4036
	Eileen A. Piccininni, MA, LPC, CASAC, CEAP Location: Casey Hall Hours: Monday – Friday, 9:00 a.m. – 5:00 p.m.	Telephone: (845) 848-4030
Dominican University Health Center	Director: Lynda Chesterman Assistant Director: Julie Albrecht Location: Granito Center, 2nd Flr Hours: Monday- Friday 9am-5pm	Telephone: (845) 848-7918 Telephone: (845) 848-7923

Dominican University Public Safety and Security	Director: John Lennon, Jr Assistant Security Manager: James Corrigan Location: Casey Hall	Telephone: (914) 403-7531 (Available 24 hours a day, 7 days a week)
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XV. Off-Campus Resources

The following resources are available to the community and may have associated costs, which are the responsibility of the consumer.

The Center for Safety and Change – Rockland Family Shelter 24-Hour Hotline: (845) 634-3344

The Center for Safety and Change offers a 24-hour hotline and free comprehensive victim assistance programs, including the Sexual Assault Forensic Examiner (SAFE) Program, counseling, hospital/police/court accompaniment and advocacy services for survivors of sexual violence. The SAFE Program provides specially trained nurses to people who report sexual assault at Good Samaritan Hospital or Nyack Hospital (contact information below). SAFE Examiners offer prompt, compassionate, non-judgmental care and forensic examination for injury identification and evidence collection. For more information on the SAFE kit, please visit: <https://www.rainn.org/articles/rape-kit>

Medical Centers:

Nyack Hospital (SAFE Kit Available)

160 North Midland Avenue, Nyack, New York 10960

Telephone: (845) 348-2000

Good Samaritan Hospital (SAFE Kit Available)

255 Lafayette Avenue (Route 59), Suffern, New York 10901

Telephone: (845) 368-5000

Nanuet Urgent Care (CityMD)

256 East Route 59, Nanuet, New York 10954

Telephone: (845) 624-2273

Hours: Open 365 days a year; Monday – Friday: 7:00 a.m. – 11:00 p.m.; Saturday – Sunday: 9:00 a.m. – 7:00 p.m.

Stat Health Medical Services

2244 Palisades Center Drive, West Nyack, New York 10994

Telephone: (845) 358-7828

Hours: Monday – Saturday: 9:00 a.m. – 6:00 p.m.

Police Department:

Orangetown Police Department; 26 Orangeburg Road, Orangeburg, New York 10962

Main Telephone: (845) 359-3700

Detective Telephone: (845) 359-2121; Records Telephone: (845) 359-5782;

IN CASE OF EMERGENCY, DIAL 911

New York State Office of Victim Services:

Website: <https://ovs.ny.gov>

Organizations with Information on Sexually Transmitted Infections:

Centers for Disease Control and Prevention; Website: www.cdc.gov

Confidential and Free Hotlines:

National Sexual Assault Online Hotline; Telephone: 866-656-HOPE (4673)

Website: <https://ohl.rainn.org/online/>

Live help for sexual assault victims and their friends and families. Free, confidential, and secure.

New York State Hotline for Sexual Assault and Domestic Violence; Telephone: 866-331-9474

Love is Respect (Domestic Violence); Telephone: 800-942-6906

Informational Websites:

Not Alone Website: <https://youth.gov/federal-links/notalonegov-together-against-sexual-assault>. An official website of the United States Government, providing resources for students and campuses and data related to sexual assault. Website access is provided at no cost.

XVI. Education, Awareness, and Training Programs

A. Education and Awareness Programs

The University has developed Sexual Assault, Dating Violence, Domestic Violence and Stalking Primary Prevention and Awareness Programs for new students and employees, as well as On-going Prevention and Awareness Programs for students and faculty that:

- Review the University's Sexual Misconduct Policy, which prohibits all forms of Sexual and Gender-Based Discrimination, including but not limited to Sexual Assault, Dating Violence, Domestic Violence and Stalking as those terms are defined in the Clery Act, identifies such conduct as illegal, and outlines how to report such incidents to the University and/or local law enforcement should they occur;
- Reviews the Clery Act and the State of New York respective definitions of Sexual Assault, Dating Violence, Domestic Violence and Stalking. New York criminal definitions are set forth below as well as in the University's Annual Security and Fire Safety Report;
- Describes what behavior and actions constitute Consent to sexual activity in the State of New York, as well as a description of the definition of Consent utilized in the University's Sexual Misconduct Policy. The State of New York's definition of Consent is set forth in the Annual Security and Fire Safety Report and in this Policy;
- Provides a description of safe and positive options for Bystander Intervention, as that term is defined in this Policy. Safe and Positive Options for Bystander Intervention also are set forth in the Annual Security and Fire Safety Report; and
- Provides information on Risk Reduction. Risk Reduction means options designed to decrease perpetration and Bystander inaction and to increase empowerment for individuals (i.e., warning signs of abusive behavior and how to avoid potential attacks) in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction tips are set forth in the Annual Security and Fire Safety Report.

B. Employee Training

Specialized training in understanding victim responses, trauma, and the dynamics of sexual harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking are a high priority and are scheduled for professional staff and faculty. All professional employees designated as investigative or grievance officer/panel staff receive annual training on methods and best practices related to sexual harassment, including Domestic Violence, Dating Violence, Sexual Assault and Stalking. These trainings focus on how investigations and the hearing process are to be conducted,

in a manner that protects the safety of Complainants or others who believe they have been the subject of acts of Sexual Misconduct.

All mandatory reporters receive training on reporting requirements and how to effectively serve as a first responder in cases of sexual harassment, including Dating Violence, Domestic Violence, Sexual Assault, and Stalking.

C. State of New York Sexual Discrimination Laws

It is important for members of the University community to be aware that there can be serious legal criminal consequences for engaging in certain types of Sexual Discrimination. Acts of Sexual Assault, Domestic Violence, Dating Violence, and Stalking are prosecuted criminally in New York State separately and apart from the resolution procedures set forth in the University Sex- Based and Gender-Based Discrimination Policy. There are significant differences between the two systems because they have different, important goals. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, beyond a reasonable doubt, that an individual has committed a criminal act. A person who is convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. The University disciplinary processes seek to determine whether an individual has violated University policy. In this process, a preponderance of the evidence standard of proof is used to determine responsibility. A person who is found to have violated the University's Sexual Misconduct Policy may be suspended, expelled, terminated, or otherwise restricted from full participation in the University community. Additional information regarding the differences between the criminal justice system and University disciplinary processes, can be found at <https://system.suny.edu/media/suny/content-assets/documents/sexualviolenceprevention/College-and-Criminal-Process-Resource.pdf>.

XVII. Campus Climate Surveys

The University will conduct, no less than every other year, a campus climate assessment to ascertain general awareness and knowledge of the provisions of this Policy, including student experience with and knowledge of reporting and University processes, which will be developed using standard and commonly recognized research methods. The assessment will include questions covering, but not be limited to, the following:

- The Title IX Coordinator's role;
- Campus policies and procedures addressing sexual assault;
- How and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
- The availability of resources on and off campus, such as counseling, health and academic assistance;
- The prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period;
- Bystander attitudes and behavior;
- Whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;

- The general awareness of the difference, if any, between the institution's policies and the penal law; and
- General awareness of the definition of affirmative consent.

The University will take steps to ensure that answers to such assessments remain anonymous and that no individual is identified. The University will publish the results of the surveys on the University website. In posting the data, no personally identifiable information or information which can reasonably lead a reader to identify an individual will be shared.

Per New York law, information discovered or produced as a result of the assessment 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.

XVIII. Record Keeping

The University will maintain the following records for seven (7) years:

1. Records pertaining to any investigation under this Policy, including the outcome determination, sanction(s), and remedy;
2. Records pertaining to any appeal submitted under this Policy; and
3. Records pertaining to the informal resolution process.

APPENDIX A

Complaint Form for Reporting Sexual Harassment

Dominican University New York (the “University”) has adopted the Complaint Form for Reporting Sexual Harassment developed by New York State. The Form may be copied and used by employees to report claims of sexual harassment. New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your immediate supervisor or the Title IX Coordinator. You will not be retaliated against for filing a complaint. If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

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

COMPLAINANT INFORMATION

Name: _____

Work Address: _____ Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor’s Name: _____

Title: _____ Work Phone: _____

Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

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

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

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

I attest that, to the best of my knowledge, the above information is true and accurate.

Signature: _____

Date: _____