

Policy and Procedures Addressing Title IX and Other Sexual Misconduct

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1. Policy Statement

All University of Mount Saint Vincent (“UMSV”) students, faculty, and staff deserve to live and work in an environment that is free from sex discrimination and sexual misconduct. UMSV 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 in admission and employment.

This Policy prohibits sex discrimination, sexual misconduct, including Title IX Sexual Harassment, and other prohibited conduct (“prohibited conduct”) at UMSV. In addition to defining what constitutes sex discrimination, Title IX Sexual Harassment and other sexual misconduct, and identifying the resources available to those affected by prohibited conduct, this document also details UMSV’s procedures for responding to reports of such prohibited conduct.

This Policy and the procedures identified herein are based on federal, state and local laws, including Title IX, the federal law that prohibits sex discrimination and Article 129-B of the New York State Education Law.

Accordingly, UMSV is committed to:

- Providing a safe, non-discriminatory, and harassment-free environment
- Clearly defining sex discrimination and other prohibited conduct, including sexual misconduct and retaliation
- Identifying clear guidelines for reporting incidents of sex discrimination and sexual misconduct and monitoring barriers to reporting
- Providing support and resources to all parties affected by sex discrimination, sexual misconduct, and other prohibited conduct
- Responding promptly and effectively to reports of sex discrimination, sexual misconduct, and other prohibited conduct
- Ensuring that students, employees, and employees of affiliates receive effective training on this Policy, including awareness and prevention information about sex discrimination, sexual misconduct and other prohibited conduct
- Ensuring that UMSV officials responsible for responding to complaints of prohibited conduct under this Policy receive effective training on their response obligations and that all employees receive effective training on their duty to report and/or respond to prohibited conduct
- Widely disseminating this Policy and a “Students’ Bill of Rights” through UMSV’s website, publications, student and employee orientations, employee training and other appropriate channels of communication

Important procedural note:

1. When prohibited conduct **meets** the definition of Title IX Sexual Harassment, the grievance procedures in **Section X, Title IX Sexual Harassment Grievance Procedures**, will apply.
2. When prohibited conduct **does not meet** the definition of Title IX Sexual Harassment, the grievance procedures in **Section XI, Sex Discrimination and Non-Title IX Sexual Misconduct Grievance Procedures**, will apply.

2. Scope

This Policy and the procedures identified herein apply to all UMSV students, faculty and employees, as well as third parties who engage with UMSV's education program and activity. The ability of the UMSV to address third party conduct governed by this Policy will depend on UMSV's relationship with that third party.

This Policy prohibits sex discrimination, sexual misconduct, including Title IX Sexual Harassment, and other prohibited conduct that occurs within UMSV's education program or activity, including conduct that occurs on campus and conduct that occurs off campus but has a reasonable connection to UMSV, including but not limited to, UMSV study-abroad programs and conduct that is otherwise subject to UMSV's disciplinary authority.

3. Prohibited Conduct and Definitions

The following conduct is prohibited by this Policy:

- **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - The existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship
 - A relationship may be romantic or intimate regardless of whether the relationship was sexual in nature
 - Dating violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct
 - Dating violence includes the threat of sexual assault or physical abuse
- **Domestic Violence** includes felony or misdemeanor crimes committed by a person who:
 - Is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim
 - Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner
 - Shares a child in common with the victim

- Commits acts against a youth or adult victim who is protected from those acts under New York Social Services Law Section 459-A
- Domestic violence can be a single act or a pattern of behavior, based on the frequency, nature, and severity of the conduct
- **Sexual Misconduct** is a categorical term that includes dating violence, domestic violence, sexual assault, sexual exploitation, sexual harassment, and stalking; when sexual misconduct does not meet the categorical definition of Title IX Sexual Harassment it is referred to in this Policy as “Non-Title IX sexual misconduct.”
- **Knowingly submitting false statements or information** means knowingly making false statements or submitting false information in connection with any allegation of prohibited conduct under this Policy (as opposed to providing information which, even if erroneous, is provided in good faith). Anyone who knowingly files a false claim or knowingly provides false information during an investigation may be subject to appropriate disciplinary action.
- **Sexual Assault** is any nonconsensual sexual act, including:
 - **Sexual Assault: Contact (Fondling)** is any sexual contact, including sexual touching for the purpose of sexual gratification of either party or degrading or abusing such person, without a person’s consent and/or by threat, intimidation, coercion, duress, violence or by causing a reasonable fear of harm. Sexual touching includes contact under or over clothing with another person’s private body parts, including the anus, breasts, buttocks, genitals, groin or inner thigh; touching another person anywhere with any of those body parts; making another person touch any of those body parts under or over clothing; or the emission of ejaculate on the clothing or body of another person.
 - **Sexual Assault: Penetration** – is any form of vaginal, anal, or oral penetration or attempted penetration, however slight, by a penis, object, tongue, or finger without a person’s consent.
 - Sexual Assault includes the crimes of incest or statutory rape.
- **Sex Discrimination** is treating an individual less favorably on the basis of sex. Discrimination can also include discriminatory practices, which are actions that deprive individuals or groups of educational or employment access, benefits or opportunities, on the basis of the individual or group’s actual or perceived sex. For the purposes of this definition, “on the basis of sex” includes conduct that is based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, or sexual and reproductive health decisions.
- **Sexual Exploitation** is unwelcome surveillance or acts that violate a person’s right to privacy in connection with their body and/or sexual activity, including, but not limited to:
 - Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent
 - Recording images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, without that person’s consent

- Disseminating or explicitly threatening to disseminate images (e.g. video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness where that person would have a reasonable expectation of privacy, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure
- Using or installing, or permitting the use or installation of a device for the purpose of recording another person’s sexual activity, intimate body parts or nakedness in a place where the person would have a reasonable expectation of privacy, without that person’s consent
- Exposing one’s genitals in non-consensual circumstances
- Inducing incapacitation for the purpose of making another person vulnerable to sexual misconduct
- **Sexual Harassment** is unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual’s sex. For the purposes of this definition, “based on sex” includes conduct that is based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression, or sexual and reproductive health decisions. Conduct is considered unwelcome if the individual did not request or invite it and considered the conduct to be undesirable or offensive. This includes, but is not limited to situations when:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational experience
 - Submission or rejection of such conduct is used as a basis for a decision regarding employment, academic, or other UMSV-related activity affecting such individual
 - Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or participation in an UMSV program, department, or extra-curricular activity. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working, learning, studying or school environment
- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress. This Policy addresses stalking that is based on sex. All other stalking will be addressed under other applicable policies.
- **Title IX Sexual Harassment** is a categorical term defined by the USDOE to mean conduct on the basis of sex that occurs in UMSV’s education program or activity against a person in the United States and that satisfies one or more of the following:
 - An UMSV employee conditioning the provision of aid, benefit, or service of UMSV on an individual’s participation in unwelcome sexual conduct (Quid Pro Quo Harassment)
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UMSV’s education program or activity (Hostile Environment Harassment)

- Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy
- **Retaliation** includes intimidation, threats, coercion or discrimination against any person by the UMSV, a student (peer retaliation), or an employee or other person authorized by UMSV to provide an aid, benefit, or service under UMSV's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, 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 Policy, including an informal resolution process.

Other definitions and terms used in this Policy include:

- **Affiliate** refers to all sites and programs with whom UMSV has an affiliation agreement for training of UMSV students.
- **Affirmative Consent (“Consent”)** is defined as a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. This definition does not vary based upon a participant's sex, sexual orientation, gender identity or expression. In addition:
 - Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute Consent to any other sexual act
 - Consent is required regardless of whether the person initiating the act is under the influence of drugs or alcohol
 - Consent may be initially given but withdrawn at any time
 - Consent cannot be given when a person is incapacitated (as hereafter described)
 - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm
 - When Consent is withdrawn or can no longer be given, sexual activity must stop

Note on New York State Law:

- **The age of consent in New York State is 17 years old.** Children under 17 years of age cannot legally consent to sex or sexual contact with an adult (someone who is 17 years of age or older). Any sexual contact in New York between a child under 17 and an adult is a crime, and any such illegal behavior between a member of the UMSV community who is under 17 and a member who is an adult will be reported to an appropriate law enforcement agency. Other jurisdictions may have different standards, and any illegal behavior in such jurisdiction will also be reported to an appropriate law enforcement agency.

- Other individuals who are legally incapable of Consent to sex or sexual contact in New York State include the mentally disabled, mentally incapacitated, physically helpless, and certain persons who are committed to the care and custody of a client or patient of a health care provider or certain governmental departments, offices or agencies (including the state department of correctional services, a hospital, the office of children and family services, the office of mental health, the office for people with developmental disabilities, or the office of alcoholism and substance abuse services), where the actor is an employee or volunteer of such department or health care provider.
- **Complaint** is any oral or written request to UMSV that objectively can be understood as a request for UMSV to investigate and make a determination about alleged sex discrimination, sexual misconduct or other conduct prohibited by this Policy. Note: A Title IX Formal Complaint (defined below) is required to initiate the resolution of allegations constituting Title IX Sexual Harassment.
- **Complainant** is the individual who alleges they have been subjected to prohibited conduct, and may be an UMSV student, employee or other individual participating in UMSV's education program or activity at the time of the alleged misconduct.
- **Confidentiality** is the commitment not to share any identifying information with others, except as required by law or in emergency circumstances (such as risk of death or serious bodily harm). Confidentiality may only be offered by individuals who are not required to report known instances of prohibited conduct to the Title IX Coordinator. Employees in UMSV's Counseling and Student Mental Health Center and Campus Ministry may offer confidentiality. See additional discussion in Section VI.5, Confidentiality vs. Privacy After a Report is Received.
- **Day** means a business day, unless otherwise specified.
- **Employee** is any individual who works or teaches on behalf of UMSV (including all faculty appointments), whether paid or unpaid, including but not limited to volunteers, faculty, and staff.
- **Incapacitation** occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by a lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent. For additional information about incapacitation and alcohol and other drugs, please see Appendix E.
- **Party** is a Complainant or Respondent.
- **Preponderance of the Evidence** is a standard of evidence used during the investigation and determination of prohibited conduct under this Policy. A preponderance of the evidence means that it is more likely than not that prohibited conduct occurred.
- **Privacy** is the assurance that an individual or UMSV will only reveal information about allegations of prohibited conduct to those that need to know the information in order to carry out their duties or responsibilities required by law and/or this Policy. Employees who are unable to offer confidentiality because they have a duty

- to report known prohibited conduct to UMSV, may offer privacy. See additional discussion in Section VI.5, Confidentiality vs. Privacy After a Report is Received.
- **Relevant** means related to the allegations of prohibited conduct under investigation. Questions are relevant when they seek evidence that may aid in showing whether prohibited conduct occurred. Evidence is relevant when it may aid the decisionmaker in determining whether prohibited conduct occurred.
 - **Report** is information conveyed to UMSV about alleged sex discrimination, sexual misconduct or other conduct prohibited by this Policy.
 - **Respondent** is a person alleged to have violated this Policy.
 - **Title IX Formal Complaint** is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that UMSV investigate the allegations.
 - **Writing** Whenever this Policy requires a “writing,” electronic mail satisfies the writing requirement.

4. Reporting Prohibited Conduct

Reports or Complaints of prohibited conduct should be directed to the Title IX Coordinator. Any questions or concerns about this Policy should be directed to the Title IX Coordinator.

**UMSV’s Title IX Coordinator is:
Iliana Lantigua, Senior Director of Human Resources**

Every member of the faculty, administration and staff, including student workers, is obligated by law under Title IX to immediately report to the Title IX Coordinator or the appropriate Deputy Coordinator incidents of or perceived incidents of Sexual Misconduct involving any member of the campus community or third party upon learning of the incident. Even if the alleged victim requests confidentiality of the incident, the employee has a legal and moral obligation to report.

The only individuals exempt from reporting are priests who learn of the alleged behavior in a confession or licensed health or mental health professionals when functioning in their designated counseling role at the UMSV. These individuals may not report any information about an incident to the Title IX Coordinator or to any other person without a victim’s express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor). They may submit non-identifying information about violations of this policy only to the Department of Public Safety for purposes of anonymous statistical reporting under the Clery Act.

Title IX Coordinators will make every effort to maintain the privacy of all parties involved during investigations into alleged Sexual Misconduct.

All incidents or perceived incidents of Sexual Misconduct where the accused is an Administrative or Staff employee or third party, are to be reported to the UMSV's Title IX Coordinator:

Iliana Lantigua
Senior Director for Human Resources
Founders Hall Room 100
(718) 405-3212
title9coordinator@mountsaintvincent.edu

All incidents or perceived incidents of Sexual Misconduct where the accused is a faculty member are to be reported to the Deputy Title IX Coordinator for Faculty:

Provost and Dean of the Faculty
Founders Hall Room 206
(718) 405-3343
academicaffairs@mountsaintvincent.edu

All incidents or perceived incidents of Sexual Misconduct where the accused is a student are to be reported to the Deputy Title IX Coordinator for Students (read more about the policy and disciplinary procedures in the Student Handbook):

Associate Dean of Students
Elizabeth Seton Library
222 (718) 405-3253
studentaffairs@mountsaintvincent.edu

UMSV's Title IX Coordinator is responsible for coordinating UMSV's compliance with its obligations under Title IX of the Education Amendments of 1972, New York State Education Law Article 129-B ("Enough is Enough") and other federal, state and local laws pertaining to sex discrimination and sexual misconduct.

The Title IX Coordinator has overall responsibility for implementation and compliance with this Policy, including overseeing UMSV's response to complaints of sex discrimination and sexual misconduct, providing education and training about this policy, and carrying out the other functions of the position as set forth in this Policy.

The Title IX Coordinator will monitor UMSV's education program and activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

The Title IX Coordinator will receive annual training as required by law.

5. Resources and Information for Individuals Affected by Prohibited Conduct

UMSV is committed to providing assistance, support, and resources to individuals affected by prohibited conduct.

5.1. Obtaining Immediate Medical Attention and Emotional Support

Individuals who have experienced sexual violence should promptly seek medical attention both to address their own health and to preserve potential evidence. This is strongly encouraged, regardless of whether the individual wants to file a complaint or pursue an investigation with UMSV or local law enforcement.

UMSV strongly encourages individuals affected by sexual misconduct to seek emotional support, either on or off campus.

Information and resources, including emergency assistance, hospitals, medical care, mental health treatment, counseling, and other support services, are included in Appendix D. If desired, UMSV can assist with accessing these resources.

5.2. Reporting to Outside Law Enforcement

Students, employees and other members of the UMSV community have the right to report to local law enforcement and/or State Police (“outside law enforcement”). However, UMSV will not require that a Complainant report to outside law enforcement, nor will UMSV do so without the Complainant’s agreement, except in exceptional circumstances. UMSV may report sexual misconduct to outside law enforcement without the Complainant’s consent if UMSV determines that the Respondent poses a serious continuing threat to the physical safety of the Complainant or any other person.

If a student, employee or other community member chooses to report sexual misconduct to outside law enforcement, UMSV can provide assistance if desired. UMSV will cooperate with police investigations but will not delay its investigation of a complaint in the absence of extenuating circumstances and will conduct its investigation simultaneously with any police/criminal justice system investigation. UMSV’s system and police/criminal justice system work independently of one another.

Because the standards for finding a violation of the New York State Penal Law are different from the standards in this Policy, criminal investigations or reports are not solely determinative of whether or not misconduct under this Policy has occurred. A plain language explanation of distinctions between the New York State Penal Law and UMSV’s policy and processes for addressing sexual misconduct is included in Appendix C. Additional information about law enforcement is included in Appendix D.

6. Employee Reporting/Response Obligations

UMSV expects all members of the UMSV community to take reasonable and prudent actions to prevent or stop an act of sex discrimination or sexual misconduct and provide assistance if an act of prohibited conduct has occurred. As discussed below, taking action or providing assistance may include direct intervention, such as calling law enforcement, or seeking assistance from a person in authority.

To that end, all employees with the authority to institute corrective measures and/or serving in a managerial or supervisory capacity, who are not confidential resources or serving in a privileged professional capacity (as set forth below and in Appendix D), have a duty to report prohibited conduct to UMSV.

Although these employees have a duty to report, no employee is authorized to investigate or resolve a suspected violation of this Policy, unless specifically designated and directed to do so by the Title IX Coordinator.

6.1. Employees at UMSV fall into three reporting/response categories:

1. **Confidential Employees** have an obligation to maintain an individual's confidentiality regarding allegations of prohibited conduct and will not share any identifying information with others, except as required by law in emergency circumstances.

This category includes staff within the following offices:

- a. Counseling Center
 - b. Campus Ministry (limited to priests)
2. **Employees who must *report*** are required when the employee has information about conduct that reasonably may constitute prohibited conduct under this Policy, to notify the Title IX Coordinator, but will otherwise protect an individual's privacy to the greatest extent possible and share information with other UMSV staff only on a need-to-know basis. Employees who must report include, but are not limited to:
 - Supervisors
 - Managers, including all faculty
 - Associate Dean for Student Affairs
 - Director of Campus Safety & Security and all Security Department supervisors
 - Director of Housing and Residence Life

An employee's duty to report is triggered when the employee has any knowledge or information, whether from firsthand observation, being directly informed or confided, or

having heard about it in some other fashion, of a known or suspected instance of prohibited conduct.

When a duty to report is triggered, the employee must immediately report to the Title IX Coordinator, including all known information and details, even if the victim of the prohibited conduct does not wish to file a report or complaint. The reporting employee must identify themselves to the Title IX Coordinator, provide their contact information and cooperate with any follow-up inquiry by the Title IX Coordinator. Employees who knowingly allow prohibited conduct to continue without reporting it will be disciplined.

3. All other employees are encouraged, but not required, to report, when the employee has information about conduct that reasonably may constitute conduct prohibited by this Policy. These employees are also encouraged to provide the contact information for the Title IX Coordinator and information about how to make a complaint to the person who provides the employee with information about conduct that reasonably may constitute conduct prohibited by this Policy.

6.2. Reporting Prohibited Conduct to UMSV

UMSV strongly encourages individuals affected by sex discrimination, sexual misconduct or other conduct prohibited by this Policy to promptly report allegations to UMSV. Reporting enables UMSV to respond promptly and effectively to sex discrimination and other prohibited conduct. Although there is no timeframe by which a complaint of prohibited conduct must be made, UMSV's ability to respond or investigate may be limited when there is a significant delay in reporting.

6.3. Where to Report

Anyone who wishes to make a report or file a complaint regarding a violation of this Policy may do so at any time by contacting any of the individuals designated below. These designated officials are trained to receive allegations of sex discrimination and sexual misconduct, to ensure such complaints are investigated in accordance with this Policy and to help complainants receive necessary assistance.

Students and employees are encouraged to report allegations to these designated officials, regardless of whether they have reported the incident to outside law enforcement authorities and regardless of where the incident took place.

- Title IX Coordinator
- Campus Safety and Security
- Department of Housing and Residence Life
- Department of Student Affairs
- Department of Human Resources

6.4. When a Report is Received

When any of the designated officials above are notified of any prohibited conduct under this Policy, they will provide a copy of this Policy to the Complainant (if the Complainant was the reporter) and will immediately notify the Title IX Coordinator. The Title IX Coordinator or their designee will address the matter in accordance with his Policy, including providing appropriate supportive measures (addressed in Section VII, Supportive Measures, Accommodations and Interim Protective Measures, below).

When any of the designated officials above are notified of a report of sexual assault, domestic violence, dating violence or stalking, they will notify the reporting individual: “You have the right to make a report to Campus Security, local law enforcement, and/or State Police or choose not to report; to report the incident to UMSV; to be protected by UMSV from retaliation for reporting an incident; and to receive assistance and resources from UMSV.”

6.5. Confidentiality vs. Privacy After a Report is Received

After a report is received, UMSV is not able to guarantee **confidentiality**, because doing so may limit UMSV’s ability to respond promptly and effectively, to ensure a safe, non-discriminatory and harassment-free environment and to effectuate this Policy.

However, UMSV will maintain the privacy of the Complainant, reporter, Respondent and witnesses to the greatest extent possible. Information in connection with the allegations will be shared with only those UMSV staff who have a legitimate need for the information, or as otherwise required by law or this Policy. UMSV will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of its grievance procedures. See Section X, Title IX Sexual Harassment Grievance Procedures.

6.6. Anonymous Reports

Individuals who wish to notify UMSV of a violation of this Policy while remaining anonymous may report by clicking [here](#).

UMSV will investigate anonymous reports to the extent possible, although an anonymous report will likely affect UMSV’s ability to investigate and respond effectively. To the extent there is a concern regarding retaliation, retaliation is strictly prohibited. UMSV will take steps to prevent retaliation and will discipline those that commit retaliation.

Clery Act:

UMSV has an obligation to report certain crimes in its annual security report pursuant to the Clery Act. However, it will do so in an anonymized manner that identifies neither the specifics of the crime (such as date/time/location) nor the identity of the alleged victim or the reporting individual. The Clery Act also requires UMSV to maintain a daily crime log and issue timely warnings for certain crimes that represent a serious or continuing threat to students and employees, except in those circumstances where reporting such information may compromise

current law enforcement efforts or identify the reporting individual. The daily crime log and timely warnings do not identify the alleged victim or the reporting individual.

FERPA:

The Family Educational Rights and Privacy Act permits institutions to share information with parents when: (i) there is a health and safety emergency, or (ii) when the student is a dependent on either parent's prior year federal income tax return. However, UMSV generally will not share information about prohibited conduct under this Policy with a parent without the permission of the student.

6.7. Filing External Complaints

In addition to reporting prohibited conduct to UMSV, individuals have the right to avail themselves of any and all of their rights under the law, including but not limited to filing complaints with one or more of the external agencies listed below:

- U.S. Department of Education, Office for Civil Rights
- U.S. Equal Employment Opportunity Commission
- New York State Division of Human Rights
- New York City Commission on Human Rights

7. Supportive Measures, Accommodations, and Interim Protective Measures

7.1. 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 before or after the filing of a complaint, or where no complaint has been filed. Supportive measures are designed to restore or preserve equal access to UMSV's education program or activity, without unreasonably burdening the other party, including measures that are designed to protect the safety of all parties or UMSV's educational environment, or deter sexual harassment.

UMSV will offer and coordinate supportive measures as appropriate for the Complainant, Respondent, reporter and all third-party witnesses. The Title IX Coordinator is responsible for coordinating and ensuring the effective implementation of supportive measures and accommodations. Individuals are encouraged to discuss their options for any supportive measures or accommodations with the Title IX Coordinator who may assist with identifying and obtaining reasonably available accommodations. The Title IX Coordinator may designate other individuals to offer and coordinate supportive measures, as necessary and appropriate. Supportive measures are available when UMSV becomes aware of allegations of prohibited conduct under this Policy, whether or not a complainant chooses to move forward with an

investigation and/or resolution. Supportive measures may be provided on an interim or continuing basis.

Supportive measures may include, but are not limited to:

- Counseling
- Extensions of deadlines and other course-related adjustments
- Campus escort services
- Increased security and monitoring of certain areas of the campus
- UMSV issued “No-Contact” orders applied to one or more parties, including mutual restrictions on contact between the parties
- Leaves of absence
- Modifications of work or class schedules
- Changes to academic, living/housing/transportation, employment, working or extracurricular situations, regardless of whether there is or is not a comparable alternative (including transferring to a different class, moving to a different room or residence hall, and changing work schedules)

7.2. No-Contact Orders

A No-Contact Order is a directive issued by UMSV prohibiting continued, direct or indirect contact or communication between specific parties.

If parties subject to a No-Contact Order 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. UMSV may establish an appropriate schedule for the Respondent to access applicable institution buildings and property at a time when such locations are not being accessed by the Complainant.

Intentional violation of a No-Contact Order is a violation of this Policy and may result in additional disciplinary action, including penalties up to and including suspension and expulsion for students and termination of employment for employees.

7.3. Interim Protective Measures

UMSV may also take reasonable measures to ensure the safety of UMSV community at large, including:

- ***Administrative Leave*** - Non-student employees may be placed on administrative leave during the pendency of the grievance process with or without pay and in accordance with any applicable policy providing for administrative leave.
- ***Emergency Removal*** - Respondents may be subject to emergency removal from UMSV’s education program or activity if, after conducting an individualized safety and risk analysis, UMSV determines that doing so is necessary to prevent an immediate threat to the physical health or safety of any student or other individual arising from the allegations of prohibited conduct. If a Respondent is subject to emergency removal, UMSV will provide the

individual with notice and an opportunity to challenge the decision immediately following the removal as set forth in Section VII.4.

7.4. Process for Modification of Supportive Measures and Interim Protective Measures

A Complainant or Respondent may seek modification or reversal of UMSV's decision to provide, deny, modify or terminate supportive measures or interim protective measures applicable to them. Requests for such modification will be reviewed by the Associate Dean or their designee and must be made in writing and received within five (5) days of the decision under review or if applicable, within five (5) days of a material change in circumstances. The party seeking modification may submit evidence in support of their request. If Associate Dean or their designee determines that the decision to provide, deny, modify, or terminate supportive measures or interim protective measures was unreasonable, or inconsistent with the definition of supportive measures or interim protective measures included within this Policy, Associate Dean or their designee will have the authority to modify or reverse the original decision under review. Associate Dean or their designee will notify the party seeking modification, in writing, within seven (7) days of receipt of their written request for modification.

8. Initial Evaluation of Complainant

Upon receipt of a complaint, the Title IX Coordinator will determine whether the Sex Discrimination and Non-Title IX Sexual Misconduct Grievance Procedures or the Title IX Sexual Harassment Grievance Procedures should apply to the Complaint. The Title IX Coordinator will advise Complainant of the appropriate procedure to follow.

Does the alleged prohibited conduct fall within the categorical definition of Title IX Sexual Harassment?

- Do the allegations, if true, meet the categorical definition of Title IX Sexual Harassment as defined in this Policy?
- At the time the allegations are made, was the Complainant participating in, or attempting to participate in, UMSV's education program or activity in the United States?

9. Responding to Reports of Prohibited Conduct

Complaints will be overseen by the appropriate Title IX Coordinator depending on who is the accused. The following rights and procedures apply to all reports of prohibited conduct.

When the Title IX Coordinator receives a Complaint, the Complainant will be advised in writing of UMSV's policies and procedures, as described herein, including their rights and resolution options, including informal resolution (Section IX.5, Informal Resolution), the availability of interim supportive measures and accommodations (Section VII, Supportive Measures, Accommodations and Interim Protective Measures), and next steps in the grievance process

(Section X, Title IX Sexual Harassment Grievance Procedures, or Section XI, Sex Discrimination and Non-Title IX Sexual Misconduct Grievance Procedures).

9.1. Consolidation of Complaints

UMSV may, but is not required to, consolidate complaints of prohibited conduct under this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of prohibited conduct arise out of the same facts or circumstances. UMSV may, but is not required to, consolidate complaints of conduct prohibited by other policies concerning the Complainant and Respondent arising under the same facts and circumstances and reserves the right to apply the grievance procedures of this Policy to those allegations.

9.2. Updated Notices of Allegations

If, in the course of an investigation, UMSV decides to investigate additional allegations of prohibited conduct under this or other UMSV policies by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

9.3. Request That UMSV Maintain a Complainant's Anonymity or Not Conduct an Investigation

Whether UMSV may grant a Complainant's request to proceed anonymously depends on several factors, including whether the allegations meet the categorical definition of Title IX Sexual Harassment.

If the allegations meet the definition of Title IX Sexual Harassment, and the Complainant elects to proceed with resolution of a Title IX Formal Complaint, the Complainant may not proceed anonymously. The Title IX Coordinator will inform the Complainant that as part of the grievance process, UMSV will be required to reveal the Complainant's identity to the Respondent. With this understanding, the Complainant may then choose whether to proceed with resolving the Title IX Formal Complaint.

UMSV will make every effort, consistent with its duty to provide a safe and non-discriminatory learning and working environment, to respect a complainant's request that UMSV maintain their anonymity and/or not conduct an investigation. If the Complainant notifies the Title IX Coordinator in writing that they wish to withdraw a complaint, typically, a complaint will not be pursued (See Section X.4, Dismissal or Withdrawal of a Complaint). However, UMSV may nevertheless pursue a complaint when, in the Title IX Coordinator's judgment, the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the conduct as alleged prevents UMSV from ensuring equal access on the basis of sex to its education program or activity.

If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures as discussed in Section VII, Supportive Measures, Accommodations and Interim Protective Measures.

UMSV at all times reserves the right to proceed with a Complaint as necessary to protect the safety of the campus community and workplace and to maintain compliance with all applicable laws and regulations.

9.4. Dismissal or Withdrawal of a Complaint

UMSV may dismiss a complaint if:

- The complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the complaint, or any allegations therein
- The Respondent is no longer enrolled or employed by UMSV
- Specific circumstances exist that prevent UMSV from gathering evidence sufficient to reach a determination as to the complaint or allegations therein

In addition to the discretionary dismissal bases above, UMSV must dismiss a Title IX Formal Complaint, if, at any time after receipt of the Title IX Formal Complaint, it becomes clear that the allegations, if true, do not meet the definition of Title IX Sexual Harassment, did not occur in the University's education program or activity, or did not occur against a person in the United States.

When a Complaint is subject to either mandatory or discretionary dismissal as outlined above, UMSV will promptly send notice of the dismissal and the reason(s) for such dismissal to the Complainant, and to the Respondent if the Respondent has already been notified of the allegations. This notice will include:

- Reason for the dismissal
- In the case of a Title IX Formal Complaint, if the allegations will proceed in the alternative under the grievance procedures in Section XI, Sex Discrimination and Non-Title IX Sexual Misconduct Grievance Procedures
- The parties' right to appeal the dismissal and the process to do so

9.5. Informal Resolution

Informal resolution is one method to resolve a Complaint and provides an alternative to resolving a Complaint through UMSV's formal grievance procedures, outlined below in Section X, Title IX Sexual Harassment Grievance Procedures, and Section XI, Sex Discrimination and Non-Title IX Sexual Misconduct Grievance Procedures. In some cases, informal resolution may offer a beneficial outcome for both parties. Informal resolution can take different forms, informed by the preferences and goals of the parties. For example, informal resolution may include one or several of the following strategies:

- Administrative Resolution, such as a mutual agreement to abide by a No- Contact Order and/or additional training or education for the area or Department where the Complaint originated
- Acceptance of Responsibility, with or without acceptance of penalty
- Facilitated Discussion between the parties in the presence of the Title IX Coordinator
- Restorative Justice Resolution
- Mediation
- Other Alternative Dispute Resolution

Participation in an informal resolution is voluntary. Both parties must agree to engage in an informal resolution process and provide voluntary consent before it begins. Informal resolution may take place at any point prior to a determination of responsibility. All Complaints, except for Title IX Sexual Harassment allegations brought by a student against an UMSV employee, are eligible for informal resolution, although the Title IX Coordinator has the ultimate discretion to determine whether informal resolution will be available in a particular matter. For all other Title IX Sexual Harassment allegations, a Title IX Formal Complaint is required to resolve the matter, including through informal resolution.

Before initiation of an informal resolution process, the Title IX Coordinator will provide the parties with written notice that an informal resolution is being offered to resolve the allegations. The written notice will include:

- A description of the allegations
- The requirements of the informal resolution process, including the circumstances under which an informal resolution will preclude the parties from resuming an investigation and formal resolution arising from the same allegations
- Notice that prior to entering into an informal resolution agreement, either party has the right to withdraw from the informal resolution process and resume an investigation and formal resolution process at any time
- Any consequences resulting from participating in the informal resolution process, including:
 - Notice that the parties' informal resolution agreement at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations
 - What information UMSV will maintain and whether and how UMSV could disclose such information for use in grievance procedures, if a grievance procedure were initiated or resumed

If both parties agree to begin an informal resolution process, the Title IX Coordinator will appoint a neutral informal resolution facilitator (the "facilitator"). The facilitator will not be the same person as the investigator/decisionmaker and will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, the facilitator may not participate as a witness or in any other capacity during any resumed or subsequent investigation or disciplinary action. The facilitator will receive all training required by this Policy and applicable law and regulation.

Either party has the right to end the informal resolution process at any time prior to finalizing an informal resolution agreement, and instead proceed with a formal grievance process, by notifying the Title IX Coordinator in writing of their desire to do so.

The time frame for investigations will be tolled while the parties engage in the informal resolution process. The Title IX Coordinator will reevaluate the parties' progress toward informal resolution every thirty (30) days and has discretion to terminate the informal resolution process and resume the investigation at any time.

Informal Resolution Agreements:

Any agreement reached through informal resolution must be acceptable to both parties and UMSV. Terms of an informal resolution agreement might include continuation of a No-Contact Order, an agreement to engage in volunteer hours, training, reflection papers, priority in selection of classes or dorm assignments, and/or agreed upon sanctions agreed to by the parties and UMSV.

If a resolution is reached, the facilitator will notify the parties in writing and a written memorandum will memorialize the agreement (the "informal resolution agreement"). Both parties and the Title IX Coordinator must sign the informal resolution agreement before it is finalized. Once finalized, the obligations in the agreement will be binding on the parties and the allegations of prohibited conduct under this Policy will be considered resolved. Violations of an informal resolution agreement will be referred for discipline or other appropriate action, as deemed appropriate by the Title IX Coordinator.

Finalized informal resolution agreements will be maintained for seven (7) years, in compliance with record-keeping requirements outlined in Section XV, Recordkeeping.

Information Shared During an Informal Resolution Process:

Any information shared or learned during the informal resolution process will not be documented or referenced in a resumed or subsequent investigation or disciplinary process. However, information gathered from another source during a resumed or subsequent investigation will not be excluded from an investigatory report or subsequent adjudication merely because it was shared by a party during an informal resolution process.

9.6. Appeal

Both parties have the right to appeal from a determination regarding responsibility and from a dismissal of a Complaint or any allegations therein.

The appeal must be submitted to the Title IX Coordinator within five (5) days of the date of the dismissal of the Complaint or written determination (or in cases where a Respondent is found responsible, the sanctioning determination). The request for an appeal must clearly identify the grounds for the appeal.

The possible grounds for an appeal are:

- There was a procedural irregularity that affected the outcome
- There is new evidence that would affect the outcome and that was not reasonably available when the determination or dismissal was made
- The Title IX Coordinator or investigator/decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome

On receipt of an appeal, the Title IX Coordinator will promptly notify the other party in writing that an appeal was filed and provide a copy of the appeal.

Appeal Panel:

The appeal will be referred to an Appeal Panel, which will include the Associate Dean (or his/her designee) and at least one other individual to be selected by the Associate Dean and the Title IX Coordinator. The Appeal Panel will not include the Title IX Coordinator, the investigator or any informal resolution facilitator who worked on the case pending appeal. The parties will receive simultaneous notification of the appointment of the Appeal Panel.

Written Submissions to the Appeal Panel:

Within ten (10) days after receiving notice of the appointment of the Appeal Panel, the parties may submit a written statement supporting or challenging the grounds for appeal.

Appeal Panel Procedures:

The appeal will be conducted in a fair and impartial manner. The appeal is not an evaluation of whether the determination or dismissal was against the weight of the evidence but will instead be focused on the specific grounds for appeal provided by this Policy and identified in the appealing party's request for an appeal. The Appeal Panel will review the written determination and supporting documents and may consult with both parties. The Appeal Panel will reach a decision by majority vote of the panelists, or by unanimous decision if less than three panelists.

For appeals from a determination of responsibility, the Appeal Panel may affirm the original determination of responsibility, alter the determination of responsibility in whole or in part and/or alter the sanctions, depending on the circumstances. The Appeal Panel, in its discretion, may also refer the matter back for further investigation or consideration if appropriate.

For appeals from a dismissal of a Complaint, the Appeal Panel may affirm or overturn the dismissal. If dismissal of a Complaint is overturned, the matter will be referred back to the Title IX Coordinator for continuation of the grievance process.

The Appeal Panel will issue a written decision on the appeal within ten (10) days of receipt of the parties' written submissions. The decision on appeal will describe the result of the appeal and the rationale for the result. The Title IX Coordinator will simultaneously provide the parties, as soon as practicable, with the Appeal Panel's written decision on appeal. The facts and circumstances of each case may make it necessary for a reasonable extension of this established time frame for good cause.

Decisions of the Appeal Panel are final.

10. Title IX Sexual Harassment Grievance Procedures

These grievance procedures apply to allegations that meet the categorical definition of Title IX Sexual Harassment. These procedures are intended to implement 34 C.F.R. 106.45, and as such, should be interpreted consistently with its requirements. At all times throughout this process, UMSV will treat the parties equitably.

10.1. Title IX Formal Complaint Required

A Title IX Formal Complaint is required to initiate resolution of conduct that meets the categorical definition of Title IX Sexual Harassment. A Title IX Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that UMSV investigate the allegations.

After the Title IX Coordinator determines that allegations meet the categorical definition of Title IX Sexual Harassment, the Title IX Coordinator will determine if the manner in which the initial allegations were reported meets the criteria of a Title IX Formal Complaint, and if necessary, will contact the Complainant to explain that a Title IX Formal Complaint is required and explain how to file one.

10.2. Notice of Investigation

On receipt of a Title IX Formal Complaint, the Title IX Coordinator will provide written notice to known parties as follows:

1. Notice of this Policy
2. Notice of the allegations, including:
 - a. The identities of the parties involved
 - b. The date, time, location and factual allegations concerning the incident
 - c. A reference to the specific prohibited conduct the Respondent is alleged to have engaged in
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 grievance process
4. A range of possible sanctions if the Respondent is found responsible
5. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney
6. An explanation that the parties may inspect and review evidence, as outlined below in Section X.4, Investigation
7. Notice that all parties whose participation is invited or expected will be provided with 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

8. A reference to this Policy's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process
9. A reference to this Policy's prohibition on retaliation

10.3. Advisors

Parties may be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

Advisors must sign an Advisor Conduct Agreement prior to participating in UMSV's grievance process. UMSV will not limit the choice or presence of the advisor for a party in any meeting or proceeding, however, advisors must comply with the Advisor Conduct Agreement, or they may be restricted from participation in UMSV's grievance process. If an advisor violates the Advisor Conduct Agreement and is prohibited from participating in UMSV's grievance process, the party will be permitted to select another advisor of choice.

10.4. Investigation

When a Complaint is not otherwise withdrawn, dismissed or resolved through informal resolution, UMSV will conduct an investigation and issue a determination in accordance with these procedures.

Investigations will be prompt and thorough and will be conducted by an impartial, appropriately trained official. Generally, the investigation will be conducted by the Title IX Coordinator/Senior Director for Human Resources, the Security Department, the Department of Student Affairs or other appropriate entity as determined by UMSV, such as an outside individual or organization.

At all times, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on UMSV and not on the parties. Throughout the investigation and grievance process, the parties will be provided with an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

Impermissible evidence:

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by UMSV to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- 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

- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless UMSV obtains that party's or witness's voluntary, written consent for use in its grievance procedures
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred

UMSV will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Investigative Report and Evidence Review

The Investigator will prepare an investigative report that fairly summarizes relevant evidence. Prior to the completion of the investigative report, both parties will be provided an equal opportunity to inspect and review any evidence gathered as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which UMSV does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The evidence file does not include notes of the Title IX Coordinator or investigator.

When providing these materials, UMSV will take reasonable steps to prevent unauthorized disclosure of information and evidence obtained solely through the grievance process. The parties and their advisors must sign an Agreement Regarding the Copying and Use of the Evidence File, which prohibits copying or sharing the evidence file, or any other information obtained solely through the grievance process, with third parties or for any purpose unrelated to the grievance process itself.

The parties may submit a written response to the evidence subject to inspection and review, due within ten (10) days after the materials are provided. The investigator will consider the party's written responses, if any, prior to finalizing the investigative report. Once the investigative report is finalized, the investigator will provide the final report to the parties, who may submit a written response, due within ten (10) days after the final report is provided.

10.5. Hearing

Following the investigation and issuance of the Final Investigative Report, the Complaint will proceed to a live Hearing, which will be conducted by a neutral, appropriately trained Decisionmaker appointed by UMSV. UMSV also reserves the right to appoint more than one neutral Decisionmaker to a given case. The Title IX Coordinator will facilitate the Hearing but will not serve as the Decisionmaker.

The Respondent will be presumed not responsible for the alleged conduct unless and until the Decisionmaker determines that there is a preponderance of the evidence that the Respondent is responsible following the hearing.

Pre-Hearing Procedures

At least ten (10) days before the Hearing date, the parties will receive notice of the Hearing date, the allegations to be considered by the Decisionmaker and a copy of the Final Investigative Report.

At least five (5) days before the Hearing date, parties must:

- Submit the name of their Advisor of Choice; if the party does not have an Advisor of Choice at the hearing, UMSV will provide an Advisor without charge
- Submit any request that the Hearing be conducted virtually via live video, with the parties located in separate rooms; the parties must be able to simultaneously see and hear the party or witness that is answering questions
- Submit a written response to the Investigative Report, if any
- Submit a list of evidence and witnesses that the party intends to present at the Hearing, including the names of possible witnesses, the nature and description of possible evidence and any relevant supplemental information that becomes available after the Investigation. Prior to the hearing, the Decisionmaker will review the Investigative Report, and the written submissions (if any) from the parties. The Decisionmaker may ask that witnesses attend the Hearing, so that they may be questioned in person.

Hearing Procedures

The Decisionmaker will preside over the Hearing and may question the parties in order to assist the Decisionmaker in deciding whether or not the charges are supported by a preponderance of the evidence.

At the hearing, the parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. UMSV will make available for parties' use at the hearing all evidence obtained as part of the investigation that is directly related to the allegations in the Complaint.

The parties are encouraged to attend the Hearing, so that they utilize the opportunity to fully explain their positions. However, the Decisionmaker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the Hearing.

The Hearing will be recorded via audio recording, audiovisual recording, or transcript, and upon request, will be made available to the parties for inspection and review in sufficient time to allow them to meaningfully prepare for an appeal.

Cross Examination

At the Hearing, each party's Advisor will be given an opportunity to ask the other party and any witnesses all relevant questions and follow-up questions in real time, including questions challenging credibility. The party may not ask such questions directly.

Before any party or witness answers a question from an Advisor, the Decisionmaker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Advisor must abide by the Decisionmaker's determination as to whether a question is relevant. The Advisor may be asked to leave the Hearing if they deviate from their role. In such case, the party would have the opportunity to choose a different Advisor, or UMSV would appoint an advisor for the party. Impact Statements Parties will have the right to make impact statements related to appropriate sanctions and will be considered by any individual determining appropriate sanctions.

10.6. Determination

The Decisionmaker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant or respondent. Within ten (10) business days of the conclusion of the Hearing, the Decisionmaker will issue a written decision on whether the Respondent is responsible for the alleged Policy violations. The written determination will be provided to both parties simultaneously, and will include:

- The allegations considered by the Decisionmaker
- A description of the procedural steps taken from the receipt of the Complaint through determination, including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence and the Hearing date(s)
- Findings of fact supporting the determination
- Conclusion regarding the application of UMSV's Policy to the facts
- A statement or, and rationale for, the result as to each allegation, including a determination of responsibility, and if the respondent is found responsible, the Decisionmaker's recommended sanctions and rationale for each sanction, accompanied by a referral to the Dean to impose said sanctions consistent with any other applicable UMSV policies or agreements. When the Decisionmaker refers a matter to the Dean for sanctioning, the Dean will consider the parties' impact statements, if any, prior to imposing sanctions. When the respondent is found responsible, the written determination will also indicate that remedies designed to restore or preserve equal access to UMSV's education program or activity will be provided by UMSV to the Complainant, and UMSV's procedures and permissible bases to appeal

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

10.7. Remedies for Complainants

In the event the Respondent is found responsible for violating the Policy, the Title IX Coordinator will be responsible for implementing remedies for the Complainant, which are designed to restore or preserve equal access to UMSV's education program or activity. Remedies may include a continuation of supportive measures and accommodations described in Section VII, Supportive Measures, Accommodations, and Interim Protective Measures, but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

10.8. Appeal

Both parties have the right to appeal from a determination regarding responsibility, as outlined in Section IX.6, Appeal.

11. Sex Discrimination and Non-Title IX Sexual Misconduct Grievance Procedures

These grievance procedures apply to allegations of prohibited conduct that do not meet the categorical definition of Title IX Sexual Harassment, including Sex Discrimination and Non-Title IX Sexual Misconduct and Retaliation.

11.1. Notice of Allegations

When the grievance process is initiated, UMSV will provide written notice to the parties who are known, with sufficient time for the parties to prepare a response before any initial interview. The Notice of Allegations will include the following information:

- UMSV's grievance procedures and any informal resolution process
- Sufficient information available at the time to allow the parties to respond to the allegations, including:
 - the identities of the parties involved in the incident(s)
 - the conduct alleged to constitute prohibited conduct with reference to applicable provisions in this Policy
 - the date(s), time, location(s) and factual allegations concerning the incident(s)
- A statement that retaliation is prohibited
- A statement that the Respondent is presumed not responsible for the alleged prohibited conduct until a determination is made at the conclusion of the grievance procedures
- A statement that the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial investigator, who will also serve as the decisionmaker
- Possible sanctions if the Respondent is found responsible

- Notice that the parties may have an advisor of their choice who may be, but is not required to be, an attorney
- A reference to UMSV's prohibition on knowingly making false statements or knowingly submitting false information during the grievance process.

11.2. Investigation

When a Complaint is not otherwise withdrawn, dismissed or resolved through informal resolution, UMSV will conduct a fair, prompt and impartial investigation and issue a determination in accordance with these procedures.

11.2(a). Investigation – Evidence Gathering

The Title IX Coordinator will designate a trained, competent, neutral investigator (the “investigator”) to conduct an adequate, reliable, and impartial investigation. The investigator will also serve as the decisionmaker. Depending on the nature of the allegations, the investigation may include interviews with the parties and witnesses, collection of evidence (including, for example, email and other communications relevant to the Complaint) and review of documentation or any other steps deemed necessary by the investigator to thoroughly and fairly conduct the investigation.

At all times, the burden is on UMSV – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether prohibited conduct occurred.

The parties will have an equal opportunity to present relevant evidence for the investigator's consideration, including fact witnesses and other inculpatory and exculpatory evidence. The investigator will review all evidence gathered through the investigation and will make the ultimate determine about what evidence is relevant and what evidence is impermissible regardless of relevance.

Impermissible evidence:

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by UMSV to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- 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
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless UMSV obtains that party's or witness's voluntary, written consent for use in its grievance procedures
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about

specific incidents of the Complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred

Expert witnesses:

The Title IX Coordinator will retain discretion of whether the presentation of an expert witness is permitted in any given case, based on the specific circumstances of the allegations and policy violations alleged, and the subject matter of the expert testimony sought to be presented.

Participation:

Students are encouraged, but not required, to cooperate with investigations under this Policy. Employees are required to cooperate with investigations under this Policy. Any party who is invited or expected to participate in any investigative interview or other meeting will be provided with written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Advisors:

Parties may be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

Advisors must sign an Advisor Conduct Agreement prior to participating in UMSV's grievance process. UMSV will not limit the choice or presence of the advisor for a party in any meeting or proceeding, however, advisors must comply with the Advisor Conduct Agreement, or they may be restricted from participation in UMSV's grievance process. If an advisor violates the Advisor Conduct Agreement and is prohibited from participating in UMSV's grievance process, the party will be permitted to select another advisor of choice.

Investigation Time Frame:

The investigator will seek to conclude the investigation as promptly as practicable, and in any event generally within 45 days from receipt of the Complaint. The facts and circumstances of each case may make it necessary for a reasonable extension of this established time frame for good cause.

11.2(b). Determination

After the evidence review and follow-up questioning is completed, the investigator will prepare a written investigative report, which will summarize the evidence, make findings of fact and include a determination of responsibility by evaluating all relevant and not otherwise impermissible evidence.

Burden of Proof:

The investigator will use the preponderance of the evidence standard of proof to determine whether prohibited conduct occurred (i.e., whether it is more likely than not that the prohibited conduct occurred). The standard of proof requires the investigator to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the investigator is not persuaded by a preponderance of the evidence that the prohibited conduct occurred, whatever the quantity of the evidence is, the investigator will not determine that prohibited conduct occurred.

Written Determination and Notification:

The Title IX Coordinator will notify the parties simultaneously in writing of the determination whether prohibited conduct occurred. This written determination will include the following:

- A description of the alleged prohibited conduct
- Information about the policies and procedures that UMSV used to evaluate the allegations
- A description of the procedural steps taken and notifications to the parties and witnesses
- The investigator's evaluation of the relevant and not otherwise impermissible evidence and determination whether prohibited conduct occurred as to each allegation
- When the investigator finds that prohibited conduct occurred, a referral to the appropriate UMSV office or official for appropriate disciplinary action (See Section XI.2(c), Referral for Discipline) and a notification that the parties may submit a written impact statement to the Title IX Coordinator within ten (10) days of receipt of the written determination, for consideration by the Dean when evaluating sanctioning
- When the investigator finds that prohibited conduct occurred, a statement that remedies other than the imposition of disciplinary sanctions will be provided by UMSV to the Complainant, and, to the extent appropriate, other students identified by UMSV to be experiencing the effects of the sexual misconduct (See Section X.7, Remedies for Complainants)
- UMSV's procedures and permissible basis for the parties to appeal

The parties are not entitled to receive a copy of the internal investigative report or any other related documents. If UMSV furnishes a document to one party, it will also simultaneously furnish a copy to the other party.

Determination Time Frame:

The investigator will seek to issue the determination to the Title IX Coordinator as promptly as practicable, and in any event generally within 30 days from conclusion of the evidence review and follow-up questioning phase. The facts and circumstances of each case may make it necessary for a reasonable extension of this established time frame for good cause.

11.2(c). Referral for Discipline

Following a finding of responsibility under this Policy, UMSV has the discretion to issue any disciplinary action it deems appropriate up to and including expulsion or termination. See Section XIII, Range of Sanctions, for a full range of possible sanctions.

The Title IX Coordinator will promptly refer a finding of responsibility to the Dean for consideration of appropriate disciplinary action. Parties will be given an opportunity to submit an impact statement to the Dean. The Dean will consider the investigator's written determination and the parties' impact statements and may also request to review the evidence file when evaluating the appropriate sanction. The Dean may also consult with the Title IX Coordinator and the designated investigator as needed.

The Title IX Coordinator will simultaneously notify the parties as soon as practicable of the sanctions to be imposed, except that the Complainant will only be notified of the sanctions that directly relate to said Complainant. The notice may also include any other remedial or preventative action being taken or provided by UMSV.

11.2(d). Appeals

Both parties have the right to appeal from a determination regarding responsibility as outlined in Section X.6, Appeal.

12. Range of Sanctions

When a Respondent is found responsible for conduct prohibited by this Policy, the following sections describe the range of sanctions that will apply. The specific procedures for sanctioning (including who determines sanctions) are described in each grievance process below.

12.1. Range of Sanctions for Students and Employees

When a student Respondent is found responsible for conduct prohibited by this Policy, sanctions may include suspension or expulsion. When an employee Respondent is found responsible for conduct prohibited by this Policy, sanctions may include termination of employment.

Other sanctions that may be imposed on students or employee respondents include a warning, disciplinary probation, restriction from employment by UMSV, removal from UMSV housing, removal from courses or activities, loss of privileges, No-Contact Orders, exclusion from areas of the campus or facilities, removal or non-renewal of scholarships, community service, or restitution. Depending on the circumstances of prohibited conduct, a Respondent may also be required to undergo an assessment and treatment by a therapist or counselor, attend an intervention treatment program and/or issue a letter of apology.

12.2. Action Against Third Parties

UMSV's disciplinary authority may not extend to employees of affiliates and other third parties who engage with UMSV's education program and activity (e.g., contracted service providers, interns, visitors, etc.). While UMSV's ability to take action against these individuals is usually limited, UMSV will take appropriate actions within its control, including but not limited to, limitation or prohibition on the individual's participation in UMSV's program or activity, access to campus or any other means necessary to protect UMSV's community and prevent prohibited conduct from recurring.

13. Transcript Notations

Students suspended or expelled for committing an act of Sexual Assault, Stalking, Domestic Violence, Dating Violence or a violent crime as defined by the Clery Act will have a notation placed on their transcript as follows: "suspended [or dismissed or expelled] after a finding of responsibility for a code of conduct violation." If a finding of responsibility is vacated for any reason, the transcript notation will be removed.

UMSV will consider requests to remove transcript notations. Requests for removal of a transcript notation must be made in writing and directed to the Title IX Coordinator. A transcript notation will not be removed prior to one year after conclusion of the suspension. A transcript notation following expulsion will not be removed in any case.

Withdrawal while investigation pending:

If a Respondent student withdraws from UMSV while an investigation pursuant to this Policy is pending and declines to complete the disciplinary process, the following notation will be placed on their transcript: "withdrew while conduct investigation pending."

14. Conflict/Bias

The Title IX Coordinator and each investigator, informal resolution facilitator, decisionmaker(s) and appeal panel member will be impartial and have no conflict of interest or bias for or against Complainants and Respondents generally, or an individual Complainant or Respondent.

If any party believes that an individual involved in the investigation, resolution or appeals process has a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, either party may make a request to have that conflicted or biased individual removed from the process. Requests for removal must be made in writing to the Title IX Coordinator within five (5) days of the notification that the individual is to be involved or revelation of their conflict of interest or bias, whichever is later, and include a detailed description of the alleged conflict or bias. If the Title IX Coordinator is the individual with the alleged conflict or bias, the request for removal must be made in writing to the Executive Dean.

The individual with the alleged conflict or bias will be asked to provide a short, written response to the party's request for removal, which will be considered before a determination is made. If a conflict or bias exists, immediate steps will be taken to replace the individual at issue to ensure an impartial and fair process.

If any administrator designated by this Policy to participate in the investigation or resolution of prohibited conduct is the Respondent, the Executive Dean will appoint another administrator to perform such person's duties under this Policy.

15. Recordkeeping

The Title IX Coordinator will maintain the following records for seven (7) years following the conclusion of a matter:

- All reports and complaints relating to allegations of prohibited conduct
- For all Reports of prohibited conduct, records documenting the actions UMSV took to respond promptly and effectively to address sex discrimination and other prohibited conduct within its education program and activity
- For all Complaints, records documenting the informal resolution process or investigation/grievance process and the resulting outcome, including any determination of responsibility and sanctions, and records regarding dismissals and appeals, if applicable
- Any remedies provided to the Complainant designed to restore or preserve equal access to the recipient's education program or activity
- Any audio or audiovisual recording or transcript of a Hearing
- All materials used to provide training required by this Policy

16. UMSV's Obligations Under This Policy

In compliance with state, federal and local laws, UMSV has the following obligations under this Policy.

16.1. Dissemination of Policies, Procedures, and Notices

The Title IX Coordinator is responsible for the wide dissemination of the following to the UMSV community: (i) this Policy; (ii) UMSV's Notice of Non-Discrimination; (iii) the Title IX Coordinator's name, phone number, office location, and email address; and (iv) contact information for the campus Security Office. This information shall be disseminated widely to the UMSV community through publications, websites, student orientations, new employee orientations, current employee training and other appropriate channels of communication.

16.2. Training and Educational Programming

UMSV provides a comprehensive student onboarding and ongoing education campaign to promote awareness, encourage a safe and respectful UMSV environment, and educate

members of the UMSV community about prohibited conduct under this Policy, including domestic violence, dating violence, stalking, and sexual assault, in compliance with applicable law.

All UMSV employees will be trained in accordance with applicable laws and regulations. Employees will be trained upon hiring or change of position that alters any training requirement, and annually thereafter.

The Title IX Coordinator, and all investigators, decisionmakers, and any person who facilitates an informal resolution process will receive training on the following subjects:

- This Policy
- The definition of Title IX Sexual Harassment in § 106.30
- The scope of UMSV's education program or activity
- How to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, as applicable
- How to serve impartially, including any prejudgment of the facts at issue, conflicts of interest, and bias

Decisionmakers will also receive training on any technology to be used at a live Hearing and on issues of relevance, including what evidence is deemed impermissible and/or not relevant pursuant to this Policy and applicable law.

Investigators will also receive training on issues of relevance and how to create an investigative report that fairly summarizes relevant evidence.

17. Appendices

- Appendix A: Students' Bill of Rights
- Appendix B: Student Alcohol and Drug Use Amnesty Policy
- Appendix C: A Plain Language Explanation of Distinctions between the New York State Penal Law and UMSV Disciplinary Processes
- Appendix D: Resources and Reporting Options
- Appendix E: Information regarding Incapacitation and Bystander Intervention

Appendix A: Students' Bill of Rights

In compliance with New York State law, all UMSV students have the right to:

1. Make a report to local law enforcement and/or state police
2. Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously
3. Make a decision about whether or not to disclose a crime or violation and participate in the 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 student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution
9. Access to at least one level of appeal of a determination
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution

Appendix B: Student Alcohol and Drug Use Amnesty Policy

The health and safety of every student at UMSV is of utmost importance. UMSV 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. UMSV strongly encourages students to report Domestic Violence, Dating Violence, Stalking, or Sexual Assault to UMSV 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 UMSV's officials or law enforcement will not be subject to a 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.

UMSV will provide students with the assistance needed to respond to high risk drinking and/or other drug abuse. In a crisis, students are encouraged to seek such assistance by contacting the Department of Campus Safety and Security

- Department or dialing 911.
- Department of Campus Safety & Security Department

Appendix C: A Plain Language Explanation of Distinctions between the New York State Penal Law and the UMSV Disciplinary Processes

New York State Education Law Article 129-B requires that UMSV officials explain differences between UMSV processes and the criminal justice process in addressing sexual and interpersonal violence.

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. UMSV's disciplinary process seeks to determine whether an individual has violated UMSV policy. In this process, the preponderance of the evidence standard is used to determine responsibility for alleged prohibited conduct. A person who is found to have violated UMSV policy may be suspended, expelled or otherwise restricted from full participation in the UMSV community. This document is intended to help explain the differences between the criminal justice system and UMSV disciplinary processes.

	Criminal Justice System	UMSV Disciplinary System
Goals	Public safety, deterrence, and punishment	Education; safety; safe and supportive campus environment
Governing Law	NYS Penal Code, NYS Rules of Criminal Procedure (or another state’s rules if the crime took place there), Federal Criminal Law, and Rules of Evidence.	Title IX, The Clery Act, as amended by the Violence Against Women Act, NYS Education Law Articles 129-A and 129-B, UMSV’s Policy and Procedures for Addressing Title IX and Sexual Misconduct, Student Bill of Rights; Faculty Policies; Code of Conduct
How to report and whether there must be action once a report is made	Crimes involving sexual violence may be reported to the local police agency or to the New York State Police. Certain crimes may also be reported to federal law enforcement agents. Once a report is made, the decision whether to investigate is made by the police/law enforcement agency, often in consultation with a District Attorney or other prosecuting agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision of whether to initiate a criminal prosecution is initially made by a prosecutor. In cases involving felony charges, the final charging decision is made by a Grand Jury.	Victims may disclose sexual violence to various UMSV employees who are designated confidential resources or to others who will maintain privacy to the extent consistent with UMSV’s obligation to provide a safe education environment. Disclosures made to a confidential resource will not trigger an investigation. When a Report or Complaint is made to the Title IX Coordinator or another Non-Confidential resource, the Title IX Coordinator will conduct outreach to the reporting individual and will generally commence an investigation of the incident.
Who investigates?	Police or other law enforcement officials	Investigators employed or retained by UMSV
Procedures	See Governing Law Procedure established by police departments, prosecutors offices, etc.	UMSV’s Policy and Procedures for Addressing Title IX and Sexual Misconduct
Standard of Evidence	Crimes must be proven “Beyond a Reasonable Doubt.”	A violation of prohibited conduct must be proven by a “Preponderance of the Evidence” standard.
Confidentiality	Law Enforcement agencies offer some confidential, but filing a Complaint requires that relevant information be shared with those involved.	UMSV offers confidential resources, but filing a Complaint requires that relevant information be shared with those involved.
Privacy	Criminal trials must be public	Investigations and disciplinary proceedings are kept as private as possible, but information must be shared with certain individuals within UMSV, the parties to the proceedings, and pursuant to law.

<p>Who are the parties?</p>	<p>The prosecution/State and defendant. The victim/survivor is not a party, but often the critical witness for the prosecution.</p> <p>In limited circumstances, a criminal prosecution can proceed without the participation or cooperation of the reporting individual, but without a reporting individual's participation, it is generally more difficult to prove a crime beyond a reasonable doubt.</p>	<p>Complainant and accused/Respondent.</p> <p>Students are encouraged, but not required, to participate in UMSV's process. Employees are required to cooperate with investigations. UMSV will be limited in its ability to respond if a complainant does not participate.</p>
<p>Who initiates the proceedings?</p>	<p>A prosecutor, acting on behalf of the State (or the United States in federal cases).</p>	<p>UMSV initiates proceedings, with the Complainant generally having an active role.</p>
<p>Testimony</p>	<p>In court, testimony is generally public. Other parties are, through counsel, entitled to cross-examine witnesses</p>	<p>Parties and witnesses will be questioned by the investigator.</p> <p>When allegations meet the categorical definition of Title IX Sexual Harassment, the parties will be invited to participate in a live Hearing where they will be subject to cross examination by the other party's Advisor.</p>
<p>Role of attorneys</p>	<p>Both the State and the defendant are represented by counsel; counsel may question witnesses</p>	<p>The parties may have an Advisor of their choice and at their expense (who may or may not be an attorney) present with them during any UMSV meeting or interview. The role of an advisor is limited and does not change if the advisor is an attorney.</p>
<p>Mental Health and Sexual History</p>	<p>In New York, a reporting individual's prior sexual and mental health history is generally, but not always, inadmissible in a criminal case. There are limited circumstances under which directly relevant evidence of that kind may be admitted.</p>	<p>Evidence regarding sexual history is generally not admissible, but subject to quite limited exceptions, such as if evidence about prior sexual behavior is offered to prove that someone other than Respondent committed the conduct alleged, or if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent. NYS Education Law Article 129-B also permits parties to exclude information about their own mental health history in the fact-finding phase of the disciplinary process.</p>

Possible Results	<p>If a prosecution takes place, the defendant may</p> <ul style="list-style-type: none"> • plead guilty or “no contest” • have the case dismissed by the judge (on legal grounds) • be found “guilty” or “not guilty” by a judge or jury 	<p>The Respondent may be found “responsible” or “not responsible” for violations of UMSV’s Policy. Alternatively, parties may choose a method of Informal Resolution, such as mediation.</p>
Sanctions	<p>An individual found guilty may be fined, imprisoned, or both. In some courts, alternative sanctions are sometimes used.</p>	<p>An individual found responsible for violating UMSV policy may be given a range of sanctions (depending on the severity of the conduct and other factors, such as prior judicial history), ranging from a warning to suspension or expulsion from UMSV (for students), and up to and including termination (for employees).</p>

Appendix D: Resources and Reporting Options

Report the Incident

UMSV encourages victims to report all cases of Sexual Misconduct. Reporting an incident to the UMSV is different from legal prosecution. You are not obligated after reporting an incident to cooperate in a criminal investigation.

UMSV is required under New York State law to report instances of alleged Sexual Assault to criminal authorities, even without the victim’s consent, where the alleged Sexual Misconduct constitutes a violent felony. UMSV will also report incidents of Sexual Misconduct where any other state or federal legal obligation mandates such reporting (e.g., if there is suspected abuse or neglect of a minor).

To report an assault, contact any one of the following Offices:

- Human Resources (718) 405-3212 or title9coordinator@mountsaintvincent.edu
- Department of Student Affairs (718) 405-3253 or studentaffairs@mountsaintvincent.edu
- Campus Safety and Security (718) 405-3255/3434 or security@mountsaintvincent.edu
- Housing and Residence Life (718) 405-3226 or residencelife@mountsaintvincent.edu
- Campus Ministry (718) 405-3754/3215 or campusministry@mountsaintvincent.edu

- Counseling Center (718) 405-3332 or counseling@mountsaintvincent.edu

A staff member will meet with you to provide support and immediate interventions, which may include:

- Referrals to appropriate law enforcement agencies.
- Referrals for medical treatment and/or counseling at the Counseling Center, and/ other on and off campus resources.
- Alternative accommodations for UMSV housing, employment arrangements or academics.

On Campus Resources

- Office for Student Affairs Elizabeth Seton Library 222 (718) 405-3253/3226
- Office of Human Resources Founders Hall 100 (718) 405-3212
- Office of Security and Safety Maloney Center (718) 405-3722 Front Gate (718) 405-3434
- Campus Ministry Founders Hall 103 (718) 405-3754
- Counseling Center Founders Hall 229 (718) 405-3332

Off Campus Resources

These hospitals have SAFE Programs (Sexual Assault Forensic Examiner). SAFE Programs have specially trained health professionals who provide medical care to patients who report sexual assault, including evaluation, treatment, referral and follow up. Trained advocates may also be available to provide you with additional support and to guide you through the experience at the hospital.

- Luke's Roosevelt Hospital 1111 Amsterdam Avenue Amsterdam Avenue and W 113 Street New York, NY 10025 (212) 523-4000
- New York Presbyterian Hospital –Columbia 622 West 168 Street New York, NY 10032 (212) 305-2500
- Crime Victims Treatment Center St. Luke's Roosevelt Hospital Center 411 West 114th Street, Suite 2C (212) 523-4728 / cvtc@cvtc-slr.org and www.cvtc-slr.org
Affiliated with St. Luke's Roosevelt Hospital provides hospital representative, social workers, support groups, individual counseling and referrals.
- 50th Precinct encompasses the northwest Bronx neighborhood of Riverdale 3450 Kingsbridge Ave, Bronx, NY 10463 (718) 543-5700
- Police Crimes Unit (212) 267-RAPE Affiliated with St. Luke's Roosevelt Hospital and Crimes Victims Treatment Center
- RAPE Crisis Hotline (914) 345-9111 24 hours a day, confidential, free and immediate support and assistance

- Safe Horizon's Rape/Sexual Assault and Incest Hotline (212) 227-3000 24 hours a day, seven days a week, confidential, free, safety planning, crisis counseling, advocacy with the police
- NYC Domestic Violence Hotline 800-621-HOPE (4673)
- New York State Sexual Assault and Domestic Violence Hotline English: 1-800-942-6909 Spanish: 1-800-942-6908
- Domestic Violence Hotline for LGBTQIA (212) 714-1141
- Men's Peer Education Program Columbia University 2920 Broadway NYC (212) 854-2136 Usually, for Columbia Students but accepts other male students gay/straight.
- Gay and Lesbian Anti-Violence Project (212) 714-1141

Substance Abuse Resources

- Center for Motivation and Change 276 Fifth Avenue, Suite 1101 New York, NY (212) 683-3339 www.motivationandchange.com
- Alcoholics Anonymous (AA) (212) 647-1680 aa.org
- AL-ANON (212) 941-0094 al-anon.alateen.org
- Narcotics Anonymous (212) 929-NANA (6262) nycna.org
- The Addiction Institute New York Roosevelt Hospital Division 1000 Tenth Avenue New York, NY (212) 523-6491

Appendix E: Important Information for the UMSV Community about Incapacitation, Alcohol and Other Drugs and Bystander Intervention

Incapacitation

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

Evaluating Incapacitation requires an assessment of an individual's:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature and the quality of the act
- Level of consciousness

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a knowing, reasonable decision about whether to engage in sexual activity is in violation of UMSV Policy.

Alcohol and Other Drugs

Being intoxicated or impaired by drugs or alcohol is never an excuse for Prohibited Conduct and does not diminish one's responsibility to obtain Affirmative Consent for any sexual contact. In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's ability to provide Affirmative Consent, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.