



Addendum to New York Law School's Non-Discrimination and Harassment Policy

Effective September 1, 2016

Purpose

The purpose of this Addendum is to supplement and modify the current New York Law School ("NYLS") Non-Discrimination and Harassment Policy. The policies described under this Addendum supersede any contrary guidance provided in the NYLS Non-Discrimination and Harassment Policy.

Definitions

Definitions relevant to this Addendum may be found in the NYLS Non-Discrimination and Harassment Policy and/or in Section XIII of the NYLS Sexual Misconduct Policy.

Scope

While the policy changes in this Addendum stem from NYLS's obligations to resolve sex-based discrimination complaints in a manner consistent with Title IX, this policy Addendum applies to discrimination or harassment based on race, color, ethnicity, ancestry, citizenship, religion, creed, sex, pregnancy, sexual orientation, gender identity, gender expression, national origin, age, disability, HIV/AIDS status, predisposing genetic characteristics, marital or parental status, military status, domestic violence victim status, or any other classification protected by local, state, or federal law (all "Protected Classifications," as defined in the NYLS Non-Discrimination and Harassment Policy).

Accordingly, the NYLS Non-Discrimination and Harassment Policy is hereby amended to include information as follows:

I. Statement of Non-Discrimination

In compliance with federal, state, and local laws, NYLS does not discriminate on the basis of race, color, religion, creed, national or ethnic origin, sex, sexual orientation, gender (including gender identity), age, or disability in the administration of any of its educational programs and activities or in its employment practices. In addition, NYLS does not discriminate on the basis of alienage or citizenship status, pregnancy, unemployment status, marital partnership status, familial status, caregiver status, military status, predisposing genetic characteristics, or domestic violence victim status in its employment practices.

In accordance with Title IX of the Education Amendments of 1972 ("Title IX"), NYLS does not discriminate on the basis of sex in its educational programs or activities, or in any area and any phase of employment in the NYLS academic environment. Inquiries concerning NYLS's application of Title IX may be referred to the NYLS's Title IX Coordinator Lisa F. Grumet, the Deputy Title IX Coordinator Aisha Joseph, and/or to the Department of Education, Office of Civil Rights ("OCR"):

Nina Jody '83

Title IX Co-Coordinator and Counsel
New York Law School
185 West Broadway
New York, NY 10013
T 212.431.2344
E nina.jody@nyls.edu

Brian Kaszuba

Title IX Co-Coordinator
Associate Director, Center for New York City Law
Adjunct Professor
New York Law School
185 West Broadway, E703B
New York, NY 10013
T 212.431.2817
E brian.kaszuba@nyls.edu

U.S. Department of Education, Office of Civil Rights

New York – Region II
32 Old Slip, 26th Floor
New York, NY 10005
T 646.428.3800
E OCR.NewYork@ed.gov

II. Harassment and Discrimination Complaint Procedures

Consistent with federal and state law requirements pertaining to sexual misconduct, NYLS has adopted a Sexual Misconduct Policy. All complaints pertaining to conduct that is prohibited by the Sexual Misconduct Policy shall be handled in accordance with that Policy. All other complaints of harassment and discrimination shall be handled in accordance with the Non-Discrimination and Harassment Policy, as amended by this Addendum. Any questions regarding which NYLS policy governs a particular situation should be referred to the Title IX Coordinator. Complaints covered by the NYLS Non-Discrimination and Harassment Policy shall be governed by the procedures set forth in that Policy, with the following clarifications and modifications to 'Harassment and Discrimination Complaint Procedures' Section of that Policy:

1. For the purposes of this Addendum, "sex-based conduct" shall include discrimination based on sex, gender (including gender identity and gender expression), pregnancy, sexual orientation, marital or parental status, or domestic violence victim status.
2. All individuals involved in hearing or investigating complaints concerning sex-based conduct will be specifically trained on Title IX harassment and discrimination issues.
3. Students making a complaint of sex-based conduct will be notified of their right to file a criminal complaint, and will be informed that behavior that may violate this policy may also violate criminal law.
4. All Responsible Employees (as defined in Section XIII of the NYLS Sexual Misconduct Policy) must report incidents of sex-based conduct directly to the Title IX Coordinator or Deputy Title IX Coordinator. Individuals are not required to report these complaints to any other member of the administration, or an advisor, to invoke the policy.

- 5.** The Title IX Coordinator will be informed of all complaints brought under the NYLS Non-Discrimination and Harassment Policy in order to determine whether the complaints involve a concern regarding sex-based conduct.
- 6.** Any individual determined to have a real or perceived conflict of interest or bias will be recused during the resolution of the complaint.
- 7.** In any complaint of sex-based conduct for which informal resolution is sought, the Title IX Coordinator will serve as the Advisor in order to assist the parties with informal resolution. The complainant, the accused individual, or the Title IX Coordinator may elect to end informal resolution at any time and proceed with filing a formal complaint.
- 8.** The Title IX Coordinator shall be responsible for initiating the formal investigation process after a complainant lodges a complaint of sex-based conduct, in accordance with the Non-Discrimination and Harassment Policy.
- 9.** In general, any investigation, hearing (if any), and disciplinary process (if any), should not exceed sixty (60) calendar days, although NYLS reserves the right to exceed this time frame, with notice to the parties, in order to conduct a thorough investigation. Recommended time frames for an investigation are as follows:
 - a. Within five (5) business days of receiving a formal complaint, the Chair of the Board will convene a Panel.
 - b. Within five (5) business days after a Panel has been convened, the Panel shall report to the Board, the complaining party, and the accused the timeline for the specific investigation based on the nature of the allegations and the timing of the complaint. This investigation is recommended to take no more than fifteen (15) business days, however, NYLS reserves the right to exceed this time frame, with notice to the parties, in order to conduct a thorough investigation.
 - c. In the event that a hearing is required, the Board will select and announce the hearing date within ten (10) business days of the conclusion of the investigation.
 - d. Within ten (10) business days after the close of the hearing, the Board will issue a decision and recommend action which it will further refer to the Dean of NYLS for appropriate action.
 - e. In matters involving sex-based conduct, the Title IX Coordinator and Deputy Title IX Coordinator shall participate as non-voting members of the Board and shall receive all communications to or from the Board.
- 10.** Complaints shall be evaluated using the “preponderance of the evidence” standard. Under this standard, it must be more likely than not that a violation of the policy occurred.
- 11.** If a hearing is held under this policy, cross-examination and personal questioning between the parties (and/or their advisors to the proceeding) will be discouraged.
- 12.** After a complaint of sex-based conduct has been resolved, the Title IX Coordinator will simultaneously notify both the complainant and the accused individual in writing of the outcome of the complaint.
- 13.** For complaints of sex-based conduct, the Title IX Coordinator shall cooperate with the Dean in implementing any emergency action required under Section II.F.