



Sexual Misconduct Policy

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Section 1: Statement of Non-Discrimination

In compliance with federal, state, and local laws, New York Law School ("NYLS" or "the Law School") does not discriminate on the basis of race, color, religion, creed, national or ethnic origin, sex, sexual orientation, gender (including gender identity), age, disability, or any other legally-protected characteristic ("Protected Characteristics") in the administration of any of its educational programs and activities.

Specifically, 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 phase of employment. Inquiries concerning NYLS's application of Title IX may be referred to NYLS's Title IX Co-Coordinators Nina Jody and Brian Kaszuba, any member of the Title IX Board (as described below), and/or to the Department of Education, Office of Civil Rights ("OCR"), as identified in Section 3 below.

Section 2: Scope of Policy

This Policy specifically prohibits sex-based misconduct and violence in accordance with the definitions under Title IX, the Clery Act, relevant provisions of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and New York Education Law Article 129-B, which each require that NYLS take specific steps to prohibit and address sex and gender-based misconduct, remedy its effects, and prevent its recurrence. NYLS has enacted this Sexual Misconduct Policy (the "Policy") to reflect and maintain its institutional values and community expectations, to provide fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals in response to violations of this Policy.

All other forms of discrimination, harassment, and retaliation based on other Protected Characteristics, and some forms of discrimination, harassment, and retaliation based on sex, are addressed by NYLS's Employee or Student Anti-Discrimination and Harassment Policy. When a report is made that alleges conduct covered under this Policy, and conduct covered under the Anti-Discrimination and Harassment Policy, the Law School will work with both policies to address the complaint and will coordinate the investigation and resolution efforts. Questions about which policy governs a particular situation should be referred to the Title IX Co-Coordinators.

A. Conduct Covered

This Policy prohibits all forms of Sex-Based Misconduct and violence in accordance with the definitions under Title IX, the Clery Act, relevant provisions of the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and New York Education Law Article 129-B (collectively, "Sex-Based Misconduct"). Sex-Based Misconduct may include, but is not limited to:

- Dating violence
- Domestic violence
- Non-consensual sexual contact
- *Quid pro quo* sexual harassment
- Sexual assault
- Sexual exploitation
- Stalking
- Unwelcome conduct (as set forth in Title IX)

Sex-Based Misconduct can occur between supervisor/employee, co-workers, students/employees, students/students and from people of the same or opposite sex. NYLS must follow the procedures set forth in this section of this Policy if it has actual knowledge of Sex-Based Misconduct. This Policy also defines prohibited relationships of a sexual or intimate nature between

individuals where one individual has power or authority over another. Sex-Based Misconduct undermines the character and purpose of NYLS and will not be tolerated.

This Policy also prohibits retaliation against an individual based in whole, or in part, on any individual's exercise of the individual's rights under this Policy; participation in an investigation into allegations of any of the conduct covered in this Policy; opposition to any conduct covered in this Policy; or encouragement of others to exercise their rights under this Policy, is absolutely prohibited by NYLS and under federal, state, and local law.

B. Persons Covered

This Policy applies to any individuals regularly or temporarily employed, conducting business, studying, living, visiting, or having any official capacity with NYLS or on its property ("Community Members"). Community Members include:

- Administration
- Admitted students
- Adjunct, emeritus and visiting faculty
- Alumni
- Applicants
- Contractors
- Full-time faculty
- Staff
- Students
- Supervising attorneys for NYLS clinical and other experiential learning programs
- Vendors
- Visitors/guests
- Volunteers

NYLS may be limited in what actions it may take when investigating or responding to a report if an accused person is not known to NYLS, not affiliated with NYLS, or is no longer affiliated with NYLS at the time a report of Sex-Based Misconduct is made. In such cases, NYLS will, to the best of its ability, conduct an inquiry, take steps to prevent the recurrence of such conduct to any Community Members, and remedy the effects, if appropriate. If one of the parties involved in a report is not affiliated with NYLS (i.e. if a student is participating in a joint program with another school), NYLS may cooperate with that institution or organization to complete an investigation.

C. Locations Covered

This Policy applies to Sex-Based Misconduct that occurs:

- On-campus, including conduct which occurs on property owned or controlled by the Law School, or at any NYLS residence hall.
- During education programs or activities that receive Federal financial assistance (whether on-site or off-site) in the United States, including, but not limited to, NYLS-sponsored clinical or internship programs, and externship programs offered for academic credit. For the purpose of this Policy, "education program or activity" includes locations, events, or circumstances over which NYLS exercised substantial control over both the respondent and the context in which the Sex-Based Misconduct occurred.
- In some circumstances, on social media and other online platforms.

D. Academic Freedom

Nothing in this policy shall abridge academic freedom or NYLS's educational mission. Prohibitions against discrimination and harassment do not extend to statements or written materials that are relevant and appropriately related to the subject matter of NYLS courses.

Section 3: Title IX Co-Coordinators and Title IX Hearing Board

A. Title IX Co-Coordinators and Counsel

The Law School has designated Nina Jody '83 as NYLS's Title IX Co-Coordinator and Counsel and Brian Kaszuba '04 as Title IX Co-Coordinator. The Title IX Co-Coordinators are responsible for:

- Ensuring compliance with Title IX.
- Overseeing anti-discrimination, harassment, and retaliation training and education as it relates to Sex-Based Misconduct.
- Overseeing and coordinating the response, investigation, and, when required, resolution of reports made under this Policy.
- Coordinating the timely response to complaints under this Policy, and, if necessary, approving reasonable requests for extensions of time.
- Assisting with resolving any issues related to this Policy.
- Ensuring appropriate action to eliminate the Sex-Based Misconduct, prevent its recurrence, and remedy its effects.

The Title IX Co-Coordinators and Counsel can be contacted by telephone, email, or in person during regular office hours:

Nina Jody '83

Title IX Co-Coordinator and Counsel
New York Law School
185 West Broadway, Room C130, New York, NY 10013
T: 212.431.2344
E: nina.jody@nyls.edu

Brian Kaszuba '04

Title IX Co-Coordinator/Deputy Equal Opportunity Coordinator
Associate Director of the Center for New York City Law and Adjunct Professor
New York Law School
185 West Broadway, Room E703B, New York, NY 10013
T: 212.431.2817
E: brian.kaszuba@nyls.edu

Any inquiries concerning the Law School's application of Title IX and its implementing regulations may be referred to the Title IX Co-Coordinators, and/or to the Department of Education, Office of Civil Rights ("OCR"):

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

B. Title IX Hearing Board

The Title IX Co-Coordinators are supported and assisted by the Title IX Board ("Board"). The Board consists of a group of NYLS faculty and administrators who are trained on issues related to this Policy. Members of the Board are responsible for:

- Reviewing investigation materials and determining violations of this Policy.
- Convening hearings, if appropriate.

The Title IX Co-Coordinators will direct and oversee the performance of the Board's duties, and the training of the Board's members. The Title IX Co-Coordinators will:

- Keep Board members informed of recent legal decisions and other related issues.
- Ensure that each member has been appropriately trained before serving and during their tenure on the Board.
- Ensure that Board members do not serve in conflicting roles by resolving questions or concerns regarding conflict of interest or bias. Any Board member having a real or perceived conflict of interest or bias under this Policy will be recused during the resolution of the complaint.

Title IX Co-Coordinator and Counsel

Nina Jody '83

Title IX Co-Coordinator/Deputy Equal Opportunity Coordinator

Brian Kaszuba '04

Members:

Claudine Carucciolo

George Hayes

Arthur Leonard

Rebecca Roiphe

Richard Sherwin

Section 4: Reporting Prohibited Conduct

NYLS strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident involving sexual exploitation, stalking, domestic/sexual/dating violence, and/or sexual assault as defined in Section 13.

NYLS also encourages all individuals to make a report of Sex-Based Misconduct to both NYLS and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and external reports may be made simultaneously. The procedures under this Policy may run concurrently with any criminal justice investigation, and will only be subject to temporary delays at the specific request of law enforcement.

A. Emergency Reporting Options

If an individual has experienced sexual violence, his or her first priority should be to get to a place of safety and dial 911. He or she should also consider seeking any necessary medical attention as soon as possible. Sex-Based Misconduct that violates this Policy may also violate New York State or other applicable laws (Appendix C). Individuals can make a report to law enforcement at any time, and doing so does not preclude the individual from also making a report to NYLS. The best option to ensure the preservation of evidence and the timely investigation of concerns by local authorities is by making a prompt report to the police. If requested, the Title IX Co-Coordinator can assist an individual with filing a police report, ensuring access to a sexual assault

forensic examination, obtaining an Order of Protection or equivalent restraining order, and contacting and assisting local law enforcement if an Order of Protection is violated. Nothing in this Policy shall prohibit NYLS from initiating its own report to the police.

NYPD Emergency: 911

NYPD Non-Emergency:

84th Precinct (Saint George Residence Hall)

301 Gold Street, Brooklyn, New York
T: 718.875.6811

1st Precinct (Campus)

T: 212.334.0611

Rape Hotline

T: 212.267.7273

Nearest Hospitals:

New York Presbyterian Lower Manhattan Hospital

69 Gold Street (Emergency room; between Beekman Street and Spruce Street)
170 William Street
New York, NY 10038
T: 212.312.5070
T: 212.312.5094
T: 212.312.5000

New York Methodist Hospital (for Saint George Residence Hall)

506 6th Street
Brooklyn, NY 11215
T: 718.780.3000

Campus Security Desk

Law School Entrance, 185 West Broadway
T: 212.431.2123

B. On-Campus Reporting Options

Any Community Member who wishes to report Sex-Based Misconduct ("Complainant") is encouraged to report directly to the Title IX Co-Coordinators, Campus Security, Residence Hall Security, or another Responsible Employee ("Complaint"). Reports may be made in person, in writing, by mail to the address listed in Section 3, or by telephone. Contact information for the Title IX Co-Coordinators is located in Section 3 above. Contact information for other individuals is listed below:

Title IX Co-Coordinator: See Section 3

Campus Security: 212.431.2123

St. George Residence Hall Security: 718.552.8470

Any Responsible Employee: Any faculty member, administrator or staff member, or NYLS Security Officer is a Responsible Employee. See Section 13

If a report of Sex-Based Misconduct is made to Campus Security, a Responsible Employee, or Residence Hall Security, that individual is required to inform the Title IX Co-Coordinator of the report. This is true even if the complainant reports the Sex-Based Misconduct in confidence and requests confidentiality. Failure to immediately notify the Title IX Co-Coordinators may impede the ability of the investigators to conduct an impartial, timely, and thorough review of the complaint and inhibit NYLS's ability to adhere to its obligation under the law.

Notice to the Title IX Co-Coordinators, or to a responsible employee, charges NYLS with actual knowledge, and triggers its obligation to respond. Notice can include whenever the Title IX Co-Coordinators or Responsible Employee: witnesses Sex-Based Misconduct; hears about Sex-Based Misconduct or receives Sex-Based Misconduct allegations from a complainant or a third party (i.e., a complainant's parent, friend, or peer); receives a written or verbal complaint about Sex-Based Misconduct; or receives notice by any other means.

In addition to being subject to discipline if they engaged in Sex-Based Misconduct, NYLS will enforce sanctions, up to and including termination of employment, against supervisory and managerial personnel who knowingly allow prohibited behavior to continue or engage in any retaliatory behavior.

If a complaint is made to anyone other than a Title IX Co-Coordinator or Responsible Employee, the Complainant risks the possibility that the report will not come to the attention of the proper NYLS officials and may not be acted upon by the Law School.

If the accused individual is an employee of NYLS, individuals may report Sex-Based Misconduct to:

NYLS Human Resources

185 West Broadway, Office C344

T: 212.431.2131

E: HumanResources@nyls.edu

New York State law requires employers to adopt a sexual harassment prevention policy that includes a complaint form for persons to report alleged incidents of sexual harassment. If you believe that you have been subject to sexual harassment, or you have witnessed behavior that may violate NYLS's Sexual Misconduct Policy, you may also complete the Sexual Harassment Complaint Form and submit it to the Title IX Co-Coordinators either in person or via email. Blank Sexual Harassment Complaint Forms can also be found in the Title IX Co-Coordinators' Office and Human Resources. If you are reporting more than one incident, please use a separate form for each incident. If the space provided below is insufficient, please staple additional pieces of paper to this form.

None of the above-referenced individuals can guarantee strict confidentiality; they will, however, maintain the individual's privacy to the greatest extent possible. The information an individual provides to a non-confidential resource will be relayed only as necessary for the Title IX Co-Coordinators to investigate and/or seek a resolution. See Section 4.C, Confidential and Anonymous Reporting Options.

C. Confidential and Anonymous Reporting

1. Confidential Reporting

Medical service providers and counselors, who serve the Law School in a privileged professional capacity, are not bound by the requirement to inform the Title IX Co-Coordinators of a report of Sex-Based Misconduct. Information shared with these individuals is confidential, except as required by law.¹ The following resources are made available by the Law School for confidential reporting:

- NYLS students who desire strict confidentiality may contact one of the professional counselors at Aetna Student Assistance Program. Call 877.351.7889, email AskSAP@aetna.com, or visit www.aetnasap.com and enter the school ID: NYLAW. Aetna provides off-site confidential counseling services to NYLS students.
- Mount Sinai Beth Israel is prepared to provide medical services to NYLS students who have been the victims of sexual assault. Mount Sinai Beth Israel provides 24-hour emergency care (including sexual assault forensic examinations), confidential crisis intervention, counseling, and referrals. Mount Sinai Beth Israel is located at 281 1st Avenue, New York, NY 10003 (First Avenue and 16th Street in Manhattan). The Emergency Department can be contacted by phone at 212.420.2840 or individuals can email chloe.horowitz@mountsinai.org.
- The Violence Intervention & Treatment Program at Wyckoff Hospital is prepared to offer medical services to NYLS students and faculty members who have been the victims of sexual assault, domestic violence, and/or other related crimes. The program provides 24-hour emergency care that includes but is not limited to sexual assault forensic examinations, confidential crisis intervention, counseling, referrals, and access to a Violence Intervention & Treatment Program Advocate to support the students and/or faculty members who have experienced sexual assault, domestic violence and/or other related crimes. Wyckoff Hospital is located at 374 Stockholm Street, Brooklyn, New York 11237. For business hours, the Violence Intervention and Treatment Program can be contacted by phone at 718.906.3846 or individuals can email agillespie@wyckoffhospital.org. For after hours, please call Danielle Schneck (Program Coordinator) at 347.682.7297.

NYLS employees who desire strict confidentiality may contact one of the counselors at LifeCare, available 24 hours a day, 7 days a week via phone at 800.697.7315 or at member.lifecare.com. NYLS works with LifeCare to provide off-site, confidential counseling services to employees.

- First-time users of LifeCare must first register using NYLS's HR Self-Service Center:
 - Navigate to the "Resources" page and select the LifeCare – Work/Life, EAP, Discounts link. – Register by completing the simple, one-time process.
- Once registered, two options are available to access LifeCare:
 - Visit the HR Self-Service Center; or
 - Visit directly via member.lifecare.com.

Some additional resources that may be consulted by NYLS students or employees who desire strict confidentiality are included in Appendix B.

NYLS visitors and other individuals who desire strict confidentiality may contact one of the resources described in Appendix B, other than the Student Counseling Center and Employee Assistance Program.

2. Anonymous Reporting

Anonymous reports may be made to Title IX Co-Coordinators per the information provided in Section 3. Individuals leaving an anonymous report should be aware that failure to disclose identifying information about the accused party, the victim of the Sex-Based Misconduct, or the facts and circumstances regarding the Sex-Based Misconduct severely limits the Law School's ability to respond and remedy the effects of the misconduct. Anonymous reports that provide enough information to constitute a criminal offense will be reported to Campus Security, less any identifying information regarding the complainant, for purposes of inclusion in the Annual Security Report and to assess for purposes of sending out a Timely Warning under the Clery Act.

Section 5: Initial Procedure

NYLS established the following procedure to provide Community Members the opportunity to seek redress from NYLS. These procedures are not intended to replace or replicate a formal judicial process, but reflect NYLS's obligations under applicable laws. This Initial Procedure, the "Investigation and Resolution Procedure" discussed below, and the sanctioning options and procedures included in both, will supersede any contrary procedure or provision of any other policies included in handbooks and manuals, including the Employee or Student Non-Discrimination and Harassment Policy for the purpose of Sex-Based Misconduct only.

A. Initial Meeting

As soon as possible upon receipt of a report of potential Sex-Based Misconduct, either directly from the Complainant, or through a designated Responsible Employee or individual, one or both of the Title IX Co-Coordinators² will conduct an initial meeting (the "Initial Meeting") with the Complainant. At that meeting, the Title IX Co-Coordinators must address the following topics:

- Assess the Complainant's physical safety, and health and emotional needs.
- Notify the Complainant of the Students' Bill of Rights. See Appendix A, Students' Bill of Rights.
- Notify the Complainant of the Complainant's right to report or not report the incident to law enforcement, and to the extent practicable, assist the Complainant with locating criminal justice resources.
- Discuss NYLS's resolution processes.
- If requested, assist the Complainant with ensuring access to a sexual assault forensic examination; obtaining an Order of Protection, or equivalent restraining order; and contacting and assisting local law enforcement if an Order of Protection is violated.
- Provide the Complainant with information about on- and off-campus support and reporting resources, including counseling, health care, mental health assistance, victim advocacy, legal assistance, and other available services.
- Provide the Complainant with information about the on-campus and off-campus resolution procedures, including the reporting process, interim remedies, the informal and formal resolution options, and other measures that can be taken regardless of whether the Complainant wishes to file a formal report with NYLS.
- Explain NYLS's policies regarding retaliation and amnesty for substance abuse.
- Explain mandated reporting requirements (including Clery Act requirements).
- The availability of, and the Complainant's preference for, supportive measures (detailed herein).

B. Formal Complaint Determination

Based on the Initial Meeting, the Title IX Co-Coordinators will seek permission from the Complainant to make a formal complaint ("Formal Complaint"). Permission for a Formal Complaint may be given initially, but can be withdrawn at any time. The Formal Complaint must be filed by the Complainant or signed by the Title IX Co-Coordinators and must request that NYLS investigate the Complaint. If a Complainant declines to make a Formal Complaint, requests that the report remain confidential, and/or later withdraws permission for the Formal Complaint, the Title IX Co-Coordinators have the authority to determine that signing a Formal Complaint to initiate an investigation, despite the Complainant's preference, is not unreasonable in light of the known circumstances. To make this determination, the Title IX Co-Coordinators will weigh the request against the Law School's obligation to provide a safe, non-discriminatory environment for all members of its community. Factors that the Title IX Co-Coordinators may consider in determining whether to proceed against the Complainant's wishes include, but are not limited to: the accused's history of violent or similar behavior; escalation of previous behavior; risk that the accused will commit additional acts of violence; use of a weapon or force; and involvement of a minor. If the Complainant declines to make a Formal Complaint,

the Title IX Co-Coordinators may still be required to make certain disclosures pursuant to applicable law. See Section 11, Required Disclosures. NYLS respects Complainants' wishes and autonomy by giving them the clear choice to file a Formal Complaint. Such decision will not impact a Complainant's ability to access supportive measures, as described below.

If the Complainant permits a Formal Complaint to be filed, the Title IX Co-Coordinators will proceed with the Law School's resolution procedures as described below. The succeeding process will be fair and impartial, and NYLS, nor any of its agents, will coerce or threaten a Complainant into filing a Formal Complaint.

C. Supportive Measures

Regardless of whether the Complainant desires to file a Formal Complaint, NYLS will offer free supportive measures to every alleged victim and alleged offender ("Respondent," and together with Complainant, the "Parties," or, individually "Party") of Sex-Based Misconduct. Such supportive measures are individualized services that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other Party, while designed to ensure equal access to education and employment opportunities, protect safety, and deter Sex-Based Misconduct. These measures will be available regardless of whether the alleged victim wishes to proceed in an Informal or Formal Resolution, or whether the Respondent participates in same. Complainants and Respondents will have a say in NYLS's supportive measure to ensure that it best meets their needs.

D. Advisor Information and Guidelines

Any individual being interviewed by the Investigators, including the Complainant and Respondent, has the right to be accompanied to any meeting or proceeding related to this resolution procedure by an advisor of their choice ("Advisor"). An Advisor is an individual who attends as a supportive presence. An Advisor may take notes and quietly confer with the individual being advised but may not speak on behalf of the individual or in any way disrupt any meeting or the resolution procedure, unless otherwise allowed as described herein. Individuals who may have factual information relevant to the Complaint may not serve as Advisors. If an individual being interviewed wishes to have an attorney serve as their Advisor, he or she may retain counsel independently. Attorney-Advisors may participate in the resolution process to the same extent as other Advisors. If the Party does not have an Advisor present at the live hearing, NYLS will provide one, without fee or charge. Although the Parties are not required to choose an Advisor or to bring their Advisor to all meetings, utilizing the same Advisor throughout the process, unless there are extenuating circumstances, allows the process to move forward in the most efficient fashion. In the event that a Party wants to make a change to their Advisor, he or she must provide written notice to the Title IX Co-Coordinators. Although reasonable attempts will be made to schedule proceedings consistent with an Advisor's availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor.

If an Advisor fails to comply with the procedures set forth herein, including through a material breach of confidentiality, NYLS reserves the right to exclude the Advisor from further participation in the process.

E. Interim Measures Pending Resolution of the Complaint

The Dean, in coordination with the Title IX Co-Coordinators may take action to deal with situations of an emergency nature posing a threat to the safety health of the Law School community or the integrity of its programs. Such emergency action may include suspension of a student, faculty member or staff member for a period of time deemed appropriate by the Dean. The Dean will determine whether and which emergency action is required, and he or she shall inform the Title IX Co-Coordinators, who shall then proceed according to the provisions of this policy.

Based upon the nature of the Complaint, NYLS may impose immediate temporary restrictions ("Interim Measures") after a Complaint has been made, including, but not limited to:

Students

- Assistance with housing relocation
- Changes in housing assignment
- Changes in work schedule
- Changing or modifying schedules
- Interim suspension
- Leave of absence
- No contact orders
- Other campus access restrictions
- Providing academic services (including tutoring)
- Providing alternate course completion options
- Providing an escort to ensure safe movement on campus
- Suspension
- Any other remedy that can be tailored to the individuals and which reasonably helps to achieve the goals of this policy.

Graduates

- Changes in work schedule
- Leave of absence
- No contact orders
- Other campus access restrictions
- Providing an escort to ensure safe movement on campus
- Any other remedy that can be tailored to the individuals and which reasonably helps to achieve the goals of this policy.

Faculty

- Changing or modifying teaching schedules
- Interim suspension
- Leave of absence
- No contact orders
- Other campus access restrictions
- Providing an escort to ensure safe movement on campus
- Suspension
- Any other remedy that can be tailored to the individuals and which reasonably helps to achieve the goals of this policy.

Requests for specific Interim Measures may be discussed with the Title IX Co-Coordinators and/or the Dean, but remain at the sole discretion of NYLS. The Title IX Co-Coordinators may recommend to the Dean specific Interim Measures based on the Parties' relationship with NYLS, the factual circumstances surrounding the Complaint, any measures requested by either Party, and any other factors that the Title IX Co-Coordinators determine are relevant. The Title IX Co-Coordinators will notify each Party in writing of the Interim Measure to be imposed.

If requested, NYLS can assist the individual with filing a police report, ensuring access to a sexual assault forensic examination, obtaining an Order of Protection or equivalent restraining order; and contacting and assisting local law enforcement if an Order of Protection is violated. Interim measures imposed on the Respondent are not determinations of guilt. Failure to adhere to the parameters of any Interim Measures is a violation of the NYLS Code of Academic Responsibility and may lead to additional disciplinary action.

Section 6: Resolution of the Formal Complaint

A. Investigation Process

NYLS is obligated to investigate all Formal Complaints. At all points up until a final determination, there is a presumption of innocence for the Respondent. At all times during the Grievance Process (as defined herein), the burden of gathering evidence and the burden of proof remains on NYLS.

1. Notification of Investigation

The Title IX Co-Coordinators shall concurrently notify the Parties of the decision to proceed with the Complaint in writing within two business days of the Initial Meeting (the "Notification of Investigation").

The Notification of Investigation must contain: a brief description of the factual allegations (identities of the parties involved in the incident, if known, the conduct allegedly constituting the violation of the Policy); the approximate date, time and location of the alleged violation, if known; notice of NYLS's Complaint Reporting, Investigation, Hearing, and Corrective Action process ("Grievance Process"); a statement that the Respondent is presumed not responsible for the alleged conduct, that a determination regarding responsibility is made at the conclusion of the Grievance Process, and that the Respondent may be entitled to Supportive Measures (as described above); a statement informing the Parties and their Advisors of their rights to inspect and review inculpatory and exculpatory evidence; and notice to the Parties of any provision of any NYLS policy that prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process. The Notification of Investigation shall inform the Parties of their right to bring an advisor to meetings; state that if either Party wishes to have an attorney serve as an advisor, he or she may retain counsel independently; and include the language in Section 5.D of this Policy, Advisor Information and Guidelines. The Notification of Investigation shall further state that behavior that violates this Policy may also violate criminal law and that either Party may seek advice from independently retained legal counsel.

The Title IX Co-Coordinators should attempt to meet with the Respondent within three business days from the date of the Notification of Investigation to provide the Respondent with the Students' Bill of Rights and other similar procedural and resource information as was provided to the Complainant during the Initial Meeting, and to answer any of the Respondent's procedural questions. If the Respondent is unable to meet or does not respond to the Title IX Co-Coordinators within three business days, the Title IX Co-Coordinators will mail or email the Respondent the required information.

2. Prohibition Against Conflicts of Interest

The Title IX Co-Coordinators, all Investigators (as defined below), and the members of the Board must be impartial. Within three business days from the date of the Notification of Investigation, either Party may object, in writing, to anyone's involvement based on a real or perceived bias or a conflict of interest. The Title IX Co-Coordinators will refer the objection to the Board to determine whether the allegation of bias or conflict is sustained (or, in the case of an allegation of bias or conflict of interest on behalf of a member of the Board, the Title IX Co-Coordinators will make this determination). The Title IX Co-Coordinators, all Investigators, and the members of the Board may also voluntarily recuse themselves at any point in the process if it appears that they may have a real or perceived conflict of interest. If they voluntarily recuse themselves, or if the Title IX Co-

Coordinators or Board determines that someone has a real or perceived bias or conflict, that individual will be recused from the individual's responsibilities for the Formal Complaint in question and be replaced by the Associate Dean for Academic Affairs for the remainder of the Grievance Process.

3. Informal Resolution

Recognizing that a wide spectrum of behaviors can constitute violations of this Policy, the Title IX Co-Coordinators may, at any time prior to the Report and Decision (described herein), offer Informal Resolution, such as mediation, in appropriate circumstances that does not require a full investigation and adjudication for Sex-Based Misconduct. Informal Resolution is not available in any situation where the allegations involve an employee sexually harassing a student or any type of sexual violence.

Prior to initiating the Informal Resolution process, the Title IX Co-Coordinators will provide to both Parties a written notice disclosing: the allegations; the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a Formal Complaint arising from the same allegation; and any consequences resulting from participating in the Informal Resolution Process, including the records that will be maintained or could be shared.

Participation in the Informal Resolution process is entirely voluntary. All Parties must agree to use the Informal Resolution process through voluntary, informed, written consent. If appropriate and agreed to by all Parties, the Title IX Co-Coordinators will initiate the Informal Resolution process within five business days from the date of the Parties' agreement (i.e., the last date on which any Party indicates the Party's agreement).

The nature of Informal Resolution is flexible, but in general, the Parties meet together with the Title IX Co-Coordinators to discuss the incident(s) that led to the Complaint and potential resolutions. While fault is not determined in the Informal Resolution proceeding, the goal of Informal Resolution is for the Parties to agree on a solution or resolution together. Such resolutions may include a permanent no-contact order, academic or residential reassignment, a written apology, community service, or other alternate resolutions. Any agreement between the Parties will be reduced to writing and signed by both Parties. If the Title IX Co-Coordinators and the Parties reach agreement, the matter will be closed. The Informal Resolution procedure must conclude within 15 business days from the date of the Parties' written consent to the Informal Resolution process, unless all Parties, including the Title IX Co-Coordinators, agree to an extension of time. After the time for Informal Resolution has expired, including any agreed-upon extensions, the Title IX Co-Coordinators shall initiate an Investigation (see below).

Any Party, including the Title IX Co-Coordinators, may elect to end Informal Resolution and proceed to the next step of the Grievance Process at any time prior to agreeing to a resolution during the Informal Resolution process. If Informal Resolution is ended by request or because the time for Informal Resolution expires, and the next step is initiated, any information obtained during Informal Resolution may be used in the subsequent process.

4. Formal Resolution: Investigation Procedure



Within five business days from the Notice of Investigation, the Title IX Co-Coordinators will appoint a two-person investigative team ("Investigators"). The Title IX Co-Coordinators can serve as the Investigators, select the Investigators from faculty trained on Title IX Investigations, or may retain experienced external investigators to conduct the investigation. All Investigators must be trained on Title IX. The Title IX training materials used by NYLS are available on <https://system.suny.edu/sci/postedtraining> or upon request.

The goal of the Investigators is to conduct a thorough investigation of the allegations in the Formal Complaint to determine whether any conduct alleged in the Formal Complaint warrants moving forward to the Board (the "Investigation"). The Investigation must include interviewing the Complainant and Respondent, if possible it may also include interviewing other relevant witnesses or individuals with relevant information, including witnesses identified or requested by the Complainant

and Respondent. All Parties will have an equal opportunity to offer witnesses and other evidence, and to review evidence throughout the Investigation. The Investigators will interview the Complainant, the Respondent, and any witnesses in separate, private sessions. The Investigators will provide the Parties and witnesses with reasonable notice of any and all meetings, interviews, or hearings that require their attendance, which will include the date, time, location, participants, and purpose.

The Investigators shall have access to all potentially relevant documents, whether inculpatory or exculpatory. The Investigators will request and review any relevant evidence such as emails, text messages, videos, and photographs. The Investigators may also choose to interview witnesses not identified by the Parties, or to request relevant evidence that was not presented to them. The Parties must cooperate with the Investigators by providing any additional information that the Investigators may request, however, Parties have the right to request that the Investigators exclude from evidence their own prior sexual history with persons other than the other party, or their own mental health diagnosis and/or treatment, and such information may not be used inappropriately. A Party must provide voluntary, written consent before NYLS may use the Party's medical, psychological, or similar treatment records during any part of the Investigation or Hearing process.

The Investigators will maintain notes of each witness interview and will maintain a file of all documentary evidence reviewed during the Investigation (the "Investigation File").

Neither Party is prohibited from discussing or sharing information relating to the Complaint with others who may support them or assist them in the matter.

The Investigation must be concluded within 20 business days from the date of the Notification of Investigation. The Title IX Co-Coordinators may grant a reasonable extension of time upon request from the Investigators. The Investigators should periodically check in with the Title IX Co-Coordinators during the course of the Investigation to update the Title IX Co-Coordinators on the progress of the Investigation.

5. Inspect and Review Evidence Collected and Investigation Report

Prior to the conclusion of the investigation, the Investigators will provide both Parties and their Advisors an equal opportunity to inspect and review any evidence obtained as part of the Investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which NYLS does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Prior to completion of the Investigator's Report ("Investigation Report"), NYLS will send to each Party and their Advisors the evidence subject to inspection and review, in electronic format or hard copy, and the Parties will have 10 days to submit a written response to NYLS, which the Investigator will consider prior to the finalization of the Investigation Report.

Upon receiving, reviewing and considering the Parties' written response, the Investigators will finalize the Investigation Report, which will fairly summarize the relevant evidence. At least 10 days prior to the Hearing (if a Hearing is required as provided for herein), the Investigator will send to each Party and the Advisors the finalized Investigation Report, in electronic format or hard copy, for their review and written response. The final Investigation Report, and any written responses, will be kept in the Investigation File.

6. Dismissal of the Formal Complaint

At the conclusion of the Investigation, and after the Parties have been given the opportunity to respond to the final Investigation Report, the Title IX Co-Coordinators must dismiss the Formal Complaint if the conduct alleged, even if proved, would not constitute Sexual Harassment (as defined in 34 C.F.R. § 106.30 of the Title IX Final Regulations); did not occur in NYLS's education program or activity; or did not occur against a person in the United States. The Title IX Co-Coordinators may dismiss the Formal Complaint, or any of the allegations therein, if the Complainant notifies the Title IX Co-Coordinators in writing that he/she would like to withdraw the Formal Complaint or any allegations therein; if the Respondent is no longer enrolled or

employed by NYLS; or if specific circumstances prevent NYLS from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein. Note that the conduct may be in violation of other NYLS policies and may be reviewed and/or investigated under their respective, separate protocols.

Upon dismissing the Formal Complaint, the Title IX Co-Coordinators will promptly send a written notice of dismissal, which will contain the Title IX Co-Coordinator's reasons, simultaneously to the Complainant and the Respondent.

Either Party has the right to appeal from the Title IX Co-Coordinators' decision to dismiss the Formal Complaint or any allegation therein pursuant to Section 7, Appeal.

B. Hearing Process

1. The Hearing

If the Title IX Co-Coordinators do not dismiss the Formal Complaint, the Title IX Co-Coordinators shall send the Formal Complaint to a Hearing in front of the Board ("Hearing"). The Board must select a date for such Hearing (which must be at least 10 days after the Parties receive the finalized Investigation Report). The Title IX Co-Coordinators will simultaneously notify each Party (in person, by mail, or by email) within one business day that a Hearing is being convened and the date of the Hearing.

The Complainant and Respondent have the right to be accompanied to the Hearing by an Advisor of their choice (see Section 5.D, Advisor Information and Guidelines). In any Hearing before the Board, the Board may question the Parties and other witnesses, and may request and/or accept evidence. All Parties will have an equal opportunity to offer witnesses and other evidence. The Parties are allowed to cross-examine each other and each Party's witness; however, only Advisors will be allowed to ask these questions through cross-examination. The cross-examination can include questions challenging credibility, but it must be oral and in real-time. If the Party does not have an Advisor present at the live hearing, NYLS will provide one, without fee or charge. This Advisor may, but is not required to be, an attorney. No Advisor may serve as a witness. The Board will arrange for an audio, audiovisual recording, or transcript of the Hearing to be created; no other individual may record the Hearing. To the extent practicable, the Hearing should be held in one business day.

Prior to the answer of any question, the Board must first determine whether the question is relevant and explain to the Advisor any decision to exclude a question as not relevant. Questions and evidence about a Complainant's prior sexual behavior are deemed irrelevant, unless they are offered to prove that someone other than the Respondent committed the alleged Sex-Based Misconduct or offered to prove Consent.

If a Party or witness does not submit to cross-examination at the live hearing, the Board cannot rely on any statement of that Party or witness in reaching a determination of responsibility. Regardless, the Board cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer a question.

The Board will use its best efforts to ensure the appearance of witnesses and the production of documents relevant to any matter before it. NYLS will cooperate with the Board and will use sanctions at its disposal in ensuring the appearance of witnesses and the production of documents in all proceedings before the Board.

Hearings are closed to the public. Witnesses (other than the Complainant, the Respondent, and their Advisors, as discussed below) are not permitted to observe the Hearing before or after their questioning, but will be able to see all participants during their testimony. The Title IX Co-Coordinators may remove any individual from the Hearing who is disrupting the proceeding or is not abiding by the rules of the Hearing.

The Complainant and Respondent (and their Advisors) may, if they choose, observe the proceeding; neither Party is required to be present for the hearing, other than to provide relevant testimony. Upon timely request by either Party, the Title IX

Co-Coordinators may, in their discretion, accommodate concerns for a Party's personal safety, well-being, and/or fears of confrontation during the Hearing by permitting the use of available technology to conduct the hearing while allowing the Complainant and Respondent to be in separate rooms.

2. The Board's Determination

At the conclusion of the Hearing, the Board will deliberate in private to determine if there was a violation of this Policy. The Board will consider all relevant evidence, including the Investigators' Report and the events of the live hearing in making its objective determination. The Board's deliberations will not be recorded. The Board shall determine whether a violation of this Policy occurred under the "preponderance of the evidence" standard. Under this standard, it must be more likely than not that a violation of the Policy occurred. Based on this standard, the Board may find the Respondent responsible for a violation of this Policy or not responsible, based on a majority vote.

After deliberations, the Board shall prepare a written determination regarding responsibility (the "Report and Decision,"). The Report and Decision will include; identification of the allegations potentially constituting a violation of this Policy; a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with the Parties or witnesses, site visits, methods used to gather other evidence, and hearings held; findings of fact supporting the determination; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions NYLS imposes on the Respondent; whether remedies designed to restore or preserve equal access to NYLS's education program or activity will be provided by NYLS to the Complainant; and NYLS's procedures and permissible bases for the Complainant and Respondent to appeal. Whether or not the Board determines that a violation occurred, the Title IX Co-Coordinators, within one business day of the date of the Report and Decision, must deliver the Report and Decision to the Parties simultaneously, either in person, by mail, or by email. If there is a finding that the Respondent violated the policy, the Board will determine sanctions or remedies consistent with Section 8. The Board's determination regarding responsibility becomes final either on the date that NYLS provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

3. Investigation File

The Investigation File will be comprised of the Formal Complaint, the Investigators' Report, the Parties' written responses, if any, any interview notes or evidence considered by the Board in making its determination, any recording of the Hearing (if applicable), the Report and Decision (if applicable), any materials regarding an appeal, as described below (if applicable), and all materials required to be in the Investigation File pursuant to prior sections. The Title IX Co-Coordinators will maintain the Investigation File. The Title IX Co-Coordinators may redact sensitive information that is not directly relevant to the questions raised in the Investigation or Hearing.

Upon request, the Parties and their Advisors may review the Investigation File. Given the sensitive nature of this information, the Title IX Co-Coordinators will provide this information in a secure manner (e.g., by providing a hard copy to be reviewed in a location designated by the Title IX Co-Coordinators).

The Investigation File will be kept for at least seven years.

Section 7: Appeal

Both Complainant and Respondent have a limited right to appeal from the Title IX Co-Coordinators' decision to dismiss the Formal Complaint or the Board's final determination ("Appeal"). Either Party may submit a written appeal to the Title IX Co-

Coordinators within 10 business days of the date of the Title IX Co-Coordinators' decision to dismiss the Formal Complaint or the Board's issuance of the Report and Decision. An Appeal shall be based only on: procedural irregularity that affected the outcome of the matter; the discovery of new, relevant evidence that was not available during the Grievance Process and which could affect the outcome of the case; and/or that the Title IX Co-Coordinators, Investigators, and/or Board had a conflict of interest or bias that affected the outcome of the matter.

The Party who submits the appeal will be the "Appellant" and the other Party will be the "Appellee." Upon receiving an Appeal, the Title IX Co-Coordinators shall, within three business days of receiving the Appeal, convene an Appeal Panel to review the appeal. The Appeal Panel will consist of three administrators who oversee the Law School's academics, administration and/or operations, (i.e. Associate Dean of Academic Affairs, Senior Vice President, and Chief Financial Officer). Members of the Board, the Investigators, the Title IX Co-Coordinator may not serve on the Appeal Panel. Both Parties will have three business days to object to any member of the Appeal Panel based on a real or perceived bias or conflict of interest. If an objection is sustained, the Title IX Co-Coordinators shall replace any member of the Appeal Panel determined to have such a conflict of interest or bias with another similarly situated individual. Both Parties will have five business days from the submission of an Appeal to submit a written response in support of, or challenging, the particular outcome.

Appeals are not intended to be a full rehearing of the Complaint. The Appeal Panel will have the opportunity to review the Investigation File. The appealed determinations are presumed to have been decided reasonably and appropriately. The Appellant carries the burden of proof to demonstrate that the original determination, or any of its components per the above, were improper. The Appeal Panel shall determine, by a simple majority vote, whether it believes a violation of the Policy occurred.

Within 10 business days of receipt of all written statements and conducting its review, the Appeal Panel will issue a written decision describing the result of the Appeal and the rationale for the result (the "Appeal Decision"). The Appeal Decision is final and is not subject to further appeal. A copy of the Appeal Decision will be provided to the Parties simultaneously, sent to the Title IX Co-Coordinators and made a part of the Investigation File.

Section 8: Sanctions and Remedies

In addition to taking disciplinary action against the Respondent per the Report and Decision, or the Appeal Decision, effective corrective action may require alternative remedies for the Complainant and/or Respondent. NYLS may take continuing steps to ensure that it is meeting the needs of the Complainant, preventing the recurrence of Sex-Based Misconduct, and remedying the effects of any Sex-Based Misconduct by, for example, issuing a permanent no contact order, providing continuing access to counseling services, and any other appropriate ongoing remedies, including but not limited to the remedies discussed in Section 5.E, Interim Measures.

If the Respondent is found to have violated the Policy, NYLS will issue sanctions commensurate with the violation(s). The Board will oversee the sanctioning process.

Either or both Parties may submit a statement regarding their view of the appropriate sanction or remedy ("Impact Statement") to the Board within five business days of notification of the Report and Decision or Appeal Decision. Impact Statements will become part of the Investigation File and will be maintained by the Title IX Co-Coordinators. The Board will review the Investigation File, including any Impact Statements, in assessing the appropriate sanction, and will make a determination regarding the appropriate sanction within three days after the time to submit Impact Statements has expired.

The Board has the discretion to implement a variety of sanctions consistent with the severity of the violation, the Respondent's prior history, the Respondent's role within NYLS, and sanctions assigned to other individuals with similar violations. Past findings of domestic violence, dating violence, stalking, or sexual abuse may be considered when evaluating sanctions.

The Respondent must be informed in writing of the sanction and the rationale for the sanction within one business day of the sanction determination. The Complainant will concurrently be informed in writing of the finalization of the sanctioning process, and, to the extent that such disclosure would be reasonable and permissible, will be informed of the final sanction.

A. Students

All sanctions as to students will be noted in the student's academic file, along with a concise written statement as to the circumstances. The statement shall be written by the Dean of the Law School. Such file notation shall include an indication as to whether the statement should be made available to employers, employment screening groups, and similar entities in the future. Should the Respondent seek admission to a bar of any jurisdiction, information about proceedings or sanctions under this policy will be reported to the appropriate committee of that jurisdiction in accordance with the jurisdiction's requirements. Certain sanctions for students may also be subject to transcript notation. See Section 9.C.

Any current or future student found to have violated this Policy may also be required to complete non-disciplinary, educational initiatives designed to educate the student. Sanctions for students may include, but are not limited to, one or more of the following:

- Warning, with appropriate documentation of the circumstances
- Restitution
- Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation
- Suspension, for a time certain
- Revocation of admission (if the individual is an admitted student)
- Removal from a journal or other student organization, or from a leadership position within such organization
- Revocation or non-renewal of credits for participation in a journal or other student organization
- Expulsion, with or without terms and conditions as to any application for re-admission
- Withholding of degree.

B. Graduates

Sanctions for graduates may include, but are not limited to, one or more of the following:

- Warning
- Restitution
- Revocation of degree
- Persona non grata order
- In the case of a graduate not yet admitted to practice, the Law School may withhold certification of the student to the appropriate bar admission entity
- In the case of a graduate already admitted to practice, the Law School may notify the appropriate bar disciplinary entity of the proceeding outcome.

C. Staff, Independent Contractors, Visitors, and Other Individuals

All sanctions as to staff will be noted in the employee's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the Law School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date.

Sanctions for staff, independent contractors, visitors, and other individuals may include, but are not limited to, one or more of the following (consistent with state and local law, collective bargaining agreement and any other existing contract):

- Warning, with appropriate documentation of the circumstances
- Restitution
- Suspension, with or without pay, for a time certain
- Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation
- Denial or limitation of future increases in salary, benefits, perquisites, and the like, upon specified terms and conditions
- Reduction in grade or position
- Transfer to another position
- Termination of employment
- Persona non grata order.

D. Non-Tenured and Non-Long-Term Contract Faculty

All sanctions as to non-tenured faculty will be noted in the faculty member's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the Law School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date.

Sanctions for non-tenured and non-long-term contract faculty may include, but are not limited to, one or more of the following (consistent with state law and any existing contract with the faculty member):

- Warning, with appropriate documentation of the circumstances
- Restitution
- Suspension, with or without pay, for a time certain, under stated terms and conditions
- Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation
- Denial or limitation of future increases in salary, benefits, perquisites, courses, summer teaching assignments, research grants, and the like, upon specified terms and conditions
- Reduction in position
- Termination of employment.

E. Tenured and Long-Term Contract Faculty

All sanctions as to tenured and long-term contract faculty will be noted in the faculty member's file, along with a concise written statement as to the circumstances. The statement will be written by the Dean of the Law School. Such notation shall include an indication as to whether the statement should be made available to future employers and the like, and as to whether such notation shall be expunged at a specified later date.

Sanctions for tenured and long-term contract faculty may include, but are not limited to, one or more of the following (consistent with state law and any existing contract with the faculty member):

- Warning, with appropriate documentation of the circumstances
- Restitution

- Suspension, with or without pay, for a time certain, under stated terms and conditions, to the extent permissible under the Standards and Procedures for Tenure, Promotion and Reappointment (“Tenure Rules”)
- Probation, for a time certain, with terms and conditions set forth by the Board as to termination of probation, to the extent permissible under the Tenure Rules
- Reduction in grade or position, to the extent permissible under the Tenure Rules
- Denial or limitation of future increases in salary, benefits, perquisites, courses, summer teaching assignments, research grants, and the like, upon specified terms and conditions
- Termination of employment, to the extent permissible under the Tenure Rules. In such case, the Board shall recommend to the Law School that it commence a proceeding pursuant to Article IX of the Tenure Rules.

F. Failure to Comply with Investigation or Sanctions

If an individual fails to comply with the procedures in this Policy, including through a material breach of confidentiality or by a refusal to abide fully with any assigned sanctions, NYLS reserves the right to bring additional charges of misconduct against the individual. The Title IX Co-Coordinators is responsible for interpreting and applying this provision.

G. Transcript Notation Requirement and Appeal Procedure

Students suspended or expelled for committing an act of sexual assault, domestic violence, dating violence, stalking or a “violent crime,” as defined by the Clery Act, will have a notation placed on their transcript as follows: “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” A transcript notation will not be removed prior to one year after conclusion of the suspension. Expulsion notations will not be removed in any case. If a finding of responsibility is later vacated for any reason, a corresponding transcript notation will be removed.

If a student who has been charged with a violation withdraws from NYLS while charges are pending and declines to complete the disciplinary process, the following notation will be placed on the student’s transcript: “withdrew with conduct charges pending.”

Suspension and expulsion transcript notations are applied at the conclusion of the conduct proceedings and appeals processes. If a student withdraws with charges pending, but conduct proceedings are nonetheless completed, any final transcript notation will be based on the outcome of those proceedings. A student who withdraws from NYLS prior to an outcome of a pending conduct case should understand that the investigation and proceeding may continue, even without their participation. Pending completion of those proceedings, the transcript will carry the above withdrawal notation.

Transcript notations for a suspended student are required by law to remain on the transcript for a period of at least one year following completion of the suspension. By law, expulsion notations are not subject to removal. By NYLS policy, a withdrawal notation will remain on a transcript for at least one year following the withdrawal. Subject to these minimum periods, a student may request to have a suspension/withdrawal transcript notation removed by submitting a petition in writing to the Title IX Co-Coordinators, who will share the request with the Dean. The petition must contain the rationale for requesting removal of the notation and documentation of the successful completion of any terms imposed in the underlying conduct proceeding.

The Title IX Co-Coordinators and the Dean will make all decisions about notation removal. Petitions will be reviewed and a decision will be provided in writing, generally within 30 days of submission. A student may submit multiple petitions, however, the time period between such petitions will be considered in evaluating the merits of the petition.

Section 9: Additional Rights and Applicable Statutory Provisions and External Remedies

Sex-Based Misconduct is not only prohibited by NYLS but are also prohibited by state, federal, and, where applicable, local law. Aside from the process described in this Policy, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

A. State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to discrimination, harassment, including sexual harassment, and retaliation and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with DHR may be filed any time within one year (or, in some instances, three years) of the discrimination, harassment, including sexual harassment, or retaliation. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to NYLS does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination harassment, including sexual harassment, or retaliation is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the discrimination, harassment, including sexual harassment, or retaliation, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call 718.741.8400 or visit: www.dhr.ny.gov/. Contact DHR at 888.392.3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

B. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination, harassment, including sexual harassment, or retaliation has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC. An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 800.669.4000 (TTY: 800.669.6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from harassment, including sexual harassment, retaliation, and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of discrimination, harassment, including sexual

harassment, or retaliation with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, NY; call 311 or 212.306.7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

D. Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime.

E. Judicial Forums

In addition to notifying the local police department, or the government agencies listed above, employees can also file a complaint in federal or state court under federal and/or state anti-discrimination and anti-harassment laws.

F. Family Educational Rights and Privacy Act

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). The privacy of an individual's medical and related records may be protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA. Similarly, access to an employee's personnel records may be restricted by applicable New York and federal law.

While there are certain limitations on privacy, all information obtained during the course of the resolution procedure will be protected from public release until the appeals panel makes a final determination, unless otherwise required by law. The Law School generally will not release the names of the Complainant or Respondent to the general public without express written permission or absent another exception consistent with the law, including FERPA and the Clery Act. Further, to the extent that it is practical and permissible by law, the Law School will maintain records created under this Policy in a manner which excludes personally-identifiable information on victims. Note, however, that NYLS does not place restrictions on the right of Parties to disclose the outcome of matters resolved under these procedures.

Section 10: Special Reporting Considerations

A. Amnesty for Alcohol and/or Drug Use

The health and safety of every student at the NYLS is of utmost importance. NYLS 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. NYLS strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to NYLS officials or law enforcement will not be subject to NYLS's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

B. Public Awareness Events

Consistent with guidance from the Office for Civil Rights of the Department of Education, public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, or other forums in which community members

disclose incidents of Sex-Based Misconduct do not initiate the Law School's Title IX obligations, including its obligation to investigate reports of sexual harassment or sexual violence. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the Law School may implement broad community initiatives in response to such events where appropriate.

C. Reports Involving Minors

Under New York law, Law School employees must make a mandatory report of suspected child abuse and neglect, including sexual assault when that individual, in their professional capacity or within the scope of their employment, has knowledge of or observes a minor under the age of 18 whom the individual knows or reasonably suspects has been the survivor of child abuse or neglect. All Law School employees are required to immediately report any suspected child abuse and neglect to the Title IX Co-Coordinators and the Chief of Building Operations and Security. In addition to notifying these individuals any individual can make a direct report to 911 if a child is in immediate danger, or to the Child Protection Hotline at 800.342.3720.

The source of abuse does not need to be known in order to file a report. NYLS will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or the New York State Office of Children and Family Services ("OCFS"). It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse.

D. Malicious Allegations

False and malicious reports of Sex-Based Misconduct can place a permanent stigma on members of the NYLS community, regardless of the ultimate outcome of any investigation. Accordingly, NYLS prohibits malicious allegations of Sex-Based Misconduct. If at any point during the investigation or resolution process it appears reasonably likely that a Complainant, witness, or other individual acted in bad faith, deliberately and knowingly filed a false report or complaint, or provided false testimony, such individuals may be subject to discipline. Note that a decision that an individual did not violate the Policy, by itself, will not be treated as a malicious allegation; only information provided in bad faith or which the individual reasonably knows to be false will be determined to be a malicious allegation.

E. Retaliation

NYLS will not tolerate retaliation, as defined in Section 13. Retaliation is prohibited by federal, state, and local laws, and this Policy. No person covered by this policy shall be subject to adverse actions because the person reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint, or testifies or assists with any proceeding under the law. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (i.e., threats of physical violence outside of work hours). An individual reporting Sex-Based Misconduct is entitled to protection from any form of retaliation following a report or provides information about suspected sexual harassment that is made in good faith, even if the report is later not proven. NYLS will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate.

Any employee may pursue any charge of discrimination or harassment with the New York State Division of Human Rights ("DHR"), the New York City Commission on Human Rights ("CHR"), and/or the federal Equal Employment Opportunity Commission ("EEOC"), as appropriate. It is unlawful to retaliate against any employee for opposing the practices prohibited by the EEOC or comparable state or local agency, or for filing a complaint with, or for otherwise participating in, an investigation, proceeding, or hearing conducted by the DHR, CHR, or EEOC. Any employee who retaliates against anyone involved in a sexual harassment investigation or court proceeding will be subject to discipline, up to and including termination of employment.

Section 11: Required Disclosures (Clery Act)

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) the Law School records and reports certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual and gender-based misconduct investigated under these procedures. The Title IX Co-Coordinators works in collaboration with Campus Security to insure such incidents are captured for statistical reporting purposes while protecting the identity of the victim of such crimes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the Law School to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat to the community. NYLS may disclose aggregate information regarding incidents investigated and related outcomes. Such reports will not contain identifying information.

Section 12: Prevention and Awareness Programming and Training

As part of its commitment to the prevention of Sex-Based Misconduct, NYLS offers education and awareness programs. Incoming students and new faculty and staff receive prevention and awareness programming as part of their orientation, and all students, faculty, and staff receive ongoing training and related programs on an annual basis. For a description of NYLS's Sex-Based Misconduct prevention and awareness programs, contact the Title IX Co-Coordinators.

Section 13: Prohibited Conduct Definitions and Related Terms

The following definitions of relevant terms apply throughout the Policy for the purpose of this Policy only:

Sex-Based Misconduct is conduct that constitutes a violation of this Policy. NYLS has designated different types of prohibited conduct as well as procedures that correspond best with NYLS's different constituencies. Conduct that constitutes prohibited conduct is set forth and defined herein. Sex-Based Misconduct will be investigated and adjudicated pursuant to the applicable procedural pathway.

Complainant is an individual who is alleged to be the victim of the Sex-Based Misconduct under this Policy.

Confidentiality generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by New York law, including restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally-protected confidentiality. These individuals are generally prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

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

- a. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

- b.** Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c.** Consent may be initially given but withdrawn at any time.
- d.** Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by 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.
- e.** Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f.** When consent is withdrawn or can no longer be given, sexual activity must stop.

Dating Violence means violence by a person who has been in a social romantic or intimate relationship with the Complainant (victim). The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

- a.** Dating violence can be a single act or a pattern of behavior in relationships. Dating violence includes the use or threat of physical force or restraint carried out with the intent of causing pain or injury to another within a dating relationship. Dating Violence may also include taking away a person's cell phone during an argument so the person cannot call a friend or the police for help, or threatening to self-harm if another does not do what is asked. Dating violence does not include acts covered under the definition of Domestic Violence.
- b.** Examples of dating violence may include, but are not limited to: slapping, kicking, pinching, biting, pulling hair, punching, threatening to hit, harm, or use a weapon on a partner or a partner's family, hurting or threatening to hurt a partner's pet or children.

Discrimination is the adverse treatment of another individual on the basis of a Protected Classification (as defined in the Non-Discrimination and Harassment Policy); the use of facially-neutral employment policies or practices which disproportionately disadvantage individuals on the basis of a Protected Classification. It occurs when one experiences negative or adverse conduct based on characteristics protected in this policy and/or applicable local, state, and federal laws, where such conduct has the effect of denying or limiting one's ability to benefit from and fully participate in educational programs or activities or employment opportunities.

Sex or Gender-Based Discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, actual or perceived gender, gender identity, or gender expression.

Domestic Violence includes assorted violent misdemeanor and felony offenses committed by: a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a current or former cohabitant who is or has previously been in an intimate relationship with the victim; a person similarly situated to a spouse under domestic or family violence law; or anyone else protected under domestic or family violence law.

Domestic violence may include emotional abuse, psychological abuse, or economic abuse. Domestic violence can be a single act or a pattern of behavior in relationships. Examples of behaviors that may constitute domestic violence include, but are not limited to: hitting, punching, pinching, slapping, choking, violating a protective order, or harming a person's children or animals.

Harassment is certain unwelcome conduct on the basis of a Protected Characteristic. It includes, but is not limited to, subjecting an individual to humiliating, offensive, abusive or threatening conduct that creates an intimidating, hostile or abusive work, residential or academic environment; alters the conditions of employment; or unreasonably interferes with an individual's academic or work performance on the basis of that individual's Protected Characteristic. Harassment includes communicating, sharing or displaying written or visual materials; making verbal comments; or engaging in physical conduct that is demeaning or derogatory to a person because of a Protected Classification. Whether or not conduct is Harassment will depend on the totality of the circumstances, including the frequency and severity of the discriminatory conduct; whether the conduct is physically threatening or humiliating, or a mere offensive utterance; and whether the conduct unreasonably interferes with the alleged victim's employment, academic or residential environment.

Discriminatory harassment includes but is not limited to: epithets or slurs; negative stereotyping; denigrating jokes; and display or circulation in the working, learning, or living environment (including electronic transmission) of written or graphic material.

See "Sexual Harassment," listed below, for information on Sexual Harassment.

Incapacitation under this Policy includes, but is not limited to, lack of consciousness, being asleep, being involuntarily restrained, or otherwise being unable to Consent. Indicators of incapacitation include slurred speech, bloodshot or unfocused eyes, unsteady gait (needing assistance walking or standing), vomiting, concern expressed by others about the individual, expressed memory loss, or disorientation.

Non-Consensual Sexual Activity includes any sexual contact (as defined below), however slight, with an object or bodily part, by a person upon another person that is without affirmative Consent (as defined above).

Privacy under this Policy generally means that information related to a report of Sex-Based Misconduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality generally, the Law School will be discreet and respect the privacy of all individuals involved in the process. No information shall be released from a proceeding to enforce this Policy except as required or permitted by law and NYLS policy.

Respondent is an individual who has been reported to be the perpetrator of the Sex-Based Misconduct under this Policy.

A Responsible Employee is any employee: who has the authority to take action to redress Sex-Based Misconduct; who has been given the duty of reporting incidents of Sex-Based Misconduct to the Title IX Co-Coordinators or other appropriate designee; or who a Community Member reasonably believes has this authority or duty. Any faculty member administrator or staff member, or NYLS Security Officer is a Responsible Employee. Examples of employees who are not Responsible Employees include, but are not limited to: Adjunct Faculty; Dining Services Employees; Temporary Employees; and Contract Employees other than Security Officers.

Retaliation is any action to penalize, intimidate, harass, or take adverse action against a person who makes a report of discrimination or harassment, participates in an inquiry or investigation, or otherwise asserts rights protected by non-discrimination laws. In some cases, knowingly making a false report of discrimination or harassment can amount to retaliation.

Sexual Assault is any non-consensual intentional physical contact of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks, or breasts, or any form of sexual intercourse without Consent. Rape (Appendix C) is a form of sexual assault. Sexual assault occurs when the act (non-consensual sexual contact or non-consensual sexual intercourse) is committed by: physical force, violence, threat, or intimidation; ignoring the objections of, or without the Consent of, another person; causing another's incapacitation through intoxication or impairment through the use of alcohol or other drugs; and/or taking advantage of another person's incapacitation by alcohol or drug use, disability, unconsciousness, or helplessness which renders them unable to give Consent. In accordance with New York State law, a person under the age of 17 lacks the capacity to give Consent. (See also the definition of Consent, above).

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

Sexual Exploitation is non-consensual sexual abuse or exploitation of another, when such behavior does not otherwise constitute another specifically defined behavior. Examples of sexual exploitation include, but are not limited to, non-consensual use of electronics to capture, reproduce, or share images of a sexual nature without consent of parties involved, public indecency, or exposing genitals to others without consent, or engaging in 'peeping' (observing another when privacy would be reasonably expected) without consent.

Sexual Harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. It is a form of employee misconduct. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified

or perceived sex, gender expression, gender identity and the status of being transgender (collectively, "Sex"). Such conduct may occur between any individuals, regardless of their sex or gender. Sexual harassment includes: a NYLS employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "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 NYLS's education program or activity; or sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined herein in and under the Clery Act, 20 U.S.C. § 1092(f), and VAWA, 34 U.S.C. § 12291(a)).

Sexual Misconduct is a broad term which incorporates a range of behaviors including sexual assault, sexual harassment, domestic violence, dating violence, stalking, and any other conduct of a sexual nature that is non-consensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Much sexual misconduct includes non-consensual sexual contact, but this is not a necessary component. For example, threatening speech that is sufficiently severe or pervasive to constitute sexual harassment will constitute sexual misconduct. Making photographs, video, or other visual or auditory recordings of a sexual nature of another person without consent constitutes sexual misconduct, even if the activity documented was consensual. Similarly, sharing such recordings or other sexually harassing electronic communications without consent is a form of sexual misconduct. All members of our community are protected from sexual misconduct, and sexual misconduct is prohibited regardless of the sex of any party involved.

Sexual Violence involves sexual contact perpetrated against an individual's will, without valid consent, or when an individual is incapable of giving consent. Examples of sexual violence include sexual assault, dating violence, or domestic violence.

Stalking under this Policy means a course of conduct directed at a specific person based on their sex or gender that would cause a reasonable person to feel fear for her, his, or others' safety or to suffer substantial emotional distress. Stalking involves repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear and apprehension. Stalking behaviors may include: pursuing or following; non-consensual (unwanted) communication or contact – including face-to-face, telephone calls, voice messages, electronic messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

Appendix A: Students' Bill of Rights

All 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; and
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: List of Resources for Support

Below is a list of reporting, care, and support options, with accompanying contact information.

A. Medical Assistance

If you have been assaulted, consider visiting an ER (where you will likely find staff such as Sexual Assault Nurse Examiners, who are trained in working with individuals who experience sexual violence). Medical professionals can help you check for injuries, be screened and educated regarding sexually transmitted infections or pregnancy, and to collect evidence.

Evidence collection in NYC does not require you to file a police report, but preserving evidence allows you options. For the purposes of evidence collection, it is recommended that you avoid eating/drinking, showering, brushing your teeth, or changing your clothes. Even if you have done any of these things, evidence can still be collected and it remains important that you seek medical attention. You may wish to bring a change of clothes with you (or have a friend bring you a change of clothes) when you do seek medical attention.

Following these steps promptly after an incident can be very helpful in later criminal proceedings and/or in seeking a civil order of protection. The medical treatment resources listed below can provide treatment for injuries and for potential exposure to sexually transmitted diseases. They also provide emergency contraception and other health services. They can assist in preserving evidence of documenting any injuries, including by helping find a Sexual Assault Nurse Examiner, who is specially trained to collect evidence.

1. On-Campus Medical Resources

Mount Sinai Beth Israel is prepared to provide medical services to NYLS students who have been the victims of sexual assault. Mount Sinai Beth Israel provides 24-hour emergency care (including sexual assault forensic examinations), confidential crisis intervention, counseling, and referrals. Mount Sinai Beth Israel is located at 281 1st Avenue, New York, NY 10003 (First Avenue and 16th Street in Manhattan). The Emergency Department can be contacted by phone at 212.420.2840.

The Violence Intervention & Treatment Program at Wyckoff Hospital is prepared to offer medical services to NYLS students and faculty members who have been the victims of sexual assault, domestic violence, and/or other related crimes. The program provides 24-hour emergency care that includes but is not limited to sexual assault forensic examinations, confidential crisis intervention, counseling, referrals, and access to a Violence Intervention & Treatment Program Advocate to support the students and/or faculty members who have experienced sexual assault, domestic violence and/or other related crimes. Wyckoff Hospital is located at 374 Stockholm Street, Brooklyn, New York 11237. For business hours, the Violence Intervention and Treatment Program can be contacted by phone at 718.906.3846. For after hours, please call Danielle Schneck (Program Coordinator) at 347.682.7297.

2. Manhattan-based Hospitals with SAFE (Sexual Assault Forensic Examiner) Centers

New York Presbyterian – Columbia
622 W. 168th St.

Bellevue Hospital
462 First Ave. at E. 27th St.

Beth Israel-Petrie Campus
First Avenue at E. 16th St.

Harlem Hospital
506 Malcolm X Blvd. at W. 135th St.

Metropolitan Hospital Center
1901 1st Ave. at 96th St.

Mount Sinai Medical Center
1 Gustave L Levy Pl. (5th Ave.) at E. 98th St.

New York-Presbyterian- The Allen Pavilion
5141 Broadway at W. 221th St.

New York-Presbyterian – Weill Cornell
525 E. 68th St. at York Ave.

Search for [additional SAFE-designated hospitals](#).

A. Counseling, Legal, and Informational Resources

If you believe you have experienced an assault—remember, it is not your fault. If you experience sexual assault, the following guidance is important to consider:

1. Safety First

Get to a safe place. After experiencing a traumatizing event such as sexual assault, it can be important to find a place where you feel comfortable and safe from harm. This location could be: your room, a friend's room, a local hospital, Campus Security, or a Police station.

2. On-Campus Resources

Mount Sinai Beth Israel is prepared to provide medical services to NYLS students who have been the victims of sexual assault. Mount Sinai Beth Israel provides 24-hour emergency care (including sexual assault forensic examinations), confidential crisis intervention, counseling, and referrals. Mount Sinai Beth Israel is located at 281 1st Avenue, New York, NY 10003 (First Avenue and 16th Street in Manhattan). The Emergency Department can be contacted by phone at 212.420.2840.

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is located at 374 Stockholm Street, Brooklyn, NY 11237. For business hours, the Violence Intervention and Treatment Program can be contacted by phone at 718.906.3846.

Student Counseling Center: Aetna Student Assistance Program, our counseling service, is available 24 hours a day/7 days a week. Call 877.351.7889, email AskSAP@aetna.com, or visit www.aetnasap.com and enter the school ID: NYLAW.

Employee Assistance Program (EAP): The EAP is offered through LifeCare; LifeCare services are available through our ADP vendor. Employees can call LifeCare directly at 800.697.7315. To access LifeCare's website, visit NYLS's HR Self-Service Center, select the Home Tab, and choose the Resources Tab to LifeCare.

3. Off-Campus Resources

Crime Victims Treatment Center of St. Luke's Roosevelt Hospital (CVTC)

CVTC provides respectful treatment of survivors of family and intimate partner violence, sexual assault, childhood sexual abuse, and other forms of violence and crime.

St. Luke's (Mt. Sinai) Emergency Medical Services

As the first hospital in New York to establish a specialized, highly acclaimed treatment service for victims of sexual assault, they have Sexual Assault Forensic Examiner ("SAFE") examiners available 24 hours a day. SAFE examiners devote their full attention to the victim's needs, and only with the victim's consent, collect evidence that can be used to prosecute the crime.

Anti-Violence Project (AVP) is a New York based resource.

AVP provides free and confidential assistance to thousands of lesbian, gay, bisexual, transgender, queer, and HIV-affected (LGBTQH) people each year from all five boroughs of New York City through direct client services and community organizing and public advocacy. Find more information or reach their bilingual (English/Spanish) hotline at 212.714.1141.

Sanctuary for Families, PO Box 1406, Wall Street Station, 212.349.6009

Annually, Sanctuary for Families serves more than 10,000 individuals who experience some form of domestic violence, sex trafficking, and related forms of gender violence. Its services include: counseling, legal assistance, crisis and temporary shelter, community education, and advocacy, among others.

Safe Horizon, 2 Lafayette Street, 3rd Floor, 800.621.4673

Through its 57 programs, Safe Horizon provides assistance to those who have experienced domestic and intimate partner violence, child physical and sexual abuse, human trafficking, stalking, youth homelessness, and other violent crimes. Its services include: counseling, legal representation, and housing and employment assistance, among others.

Other helpful external resources:

- NYC Alliance Against Sexual Assault
- NYC Gay and Lesbian Anti-Violence Project: 212.714.1141
- Support Orthodox Victims of Rape and Incest (SOVRI) Sexual Abuse Helpline (in conjunction with The Beth Israel Victim Services Program): 212.844.1495
- **Rape, Abuse, and Incest National Network**
- Rape, Sexual Assault, and Incest Hotline: 212.227.3000 (24 hours a day)
- Bronx Rape Crisis Program: 718.933.1000
- Brooklyn Rape Crisis Program: 718.827.4700

- Queens Rape Crisis Program: 718.291.2555
- Staten Island Rape Crisis Program: 718.720.2591

4. Legal Resources Aetna Student Assistance Program

The New York District Attorney's office offers centralized information about options and resources, including information about protective orders, related to domestic violence. Please visit: <https://www.manhattanda.org/victim-resources/domestic-violence/>.

A note about protective orders: In Manhattan, the Family Justice Center or the District Attorney's office assist with the process of seeking an Order of Protection. Campus Security or the Title IX Co-Coordinators can provide assistance in accessing these resources. The Law School will assist in appropriate planning, as it may relate to access to campus or related protections, for any individual who obtains an Order of Protection and shares it with Campus Security.

Additional [New York City resources and information](#).

Appendix C: New York State Criminal Definitions

New York State Criminal Definitions

The Violence Against Women Act (VAWA) requires NYLS to include certain New York State criminal definitions in its Annual Security Report and also requires that these definitions be provided in other materials disseminated by the Law School. Relevant New York definitions are set forth below.³ Ultimately, the New York District Attorney will determine whether an act meets the criminal standard.

Consent⁴: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct, or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with developmental disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Consent, abbreviated: Clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

Dating Violence: New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the crime is committed by a person in an "intimate relationship" with the victim. See "Family or Household Member" for definition of "intimate relationship."

Domestic Violence: An act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal

mischievous, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching of blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

Family or Household Member: Persons related by consanguinity or affinity; persons legally married to one another; persons formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common regardless of whether such persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

Parent: means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

Sexual Assault: New York State does not specifically define sexual assault. However, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape.

Sex Offenses; Lack of Consent: Whether or not specifically stated, it is an element of every sexual act committed without consent of the victim.

Sexual Misconduct: When a person engages in sexual intercourse with another person without such person's consent; or engages in oral sexual conduct or anal sexual conduct without such person's consent; or engages in sexual conduct with an animal or a dead human body.

Rape in the Third Degree: When a person engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Second Degree: When a person being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree that the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree: When a person engages in sexual intercourse with another person by forcible compulsion; or who is incapable of consent by reason of being physically helpless; or who is less than 11 years old; or who is less than 13 years old and the actor is 18 years old or more.

Criminal Sexual Act in the Third Degree: When a person engages in oral or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years old; being 21 years old or more, with a person less than 17 years old; with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Second Degree: When a person engages in oral or anal sexual conduct with another person and is 18 years or more and the other person is less than 15 years old; or who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the First Degree: When a person engages in oral or anal sexual conduct with another person by forcible compulsion; who is incapable of consent by reason of being physically helpless; who is less than 11 years old; or who is less than 13 years old and the actor is 18 years old or more.

Forcible Touching: When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

Persistent Sexual Abuse: When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten-year period, has been convicted two or more times in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Sexual Abuse in the Third Degree: When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and such other person was more than 14 years old and the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree: When a person subjects another person to sexual contact and when such other person is incapable of consent by reason of some factor other than being less than 17 years old; or less than 14 years old.

Sexual Abuse in the First Degree: When a person subjects another person to sexual contact by forcible compulsion; when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old; or when the other person is less than 13 years old.

Aggravated Sexual Abuse: For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Fourth Degree: When a person inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

Aggravated Sexual Abuse in the Third Degree: When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person: by forcible compulsion; when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old; or causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

Aggravated Sexual Abuse in the Second Degree: When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by forcible compulsion; or when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than 11 years old.

Aggravated Sexual Abuse in the First Degree: When a person subjects another person to sexual contact: by forcible compulsion; or when the other person is incapable of consent by reason of being physically helpless; or when the other person is less than eleven years old; or when the other person is less than thirteen years old and the actor is twenty-one years old or older.

Stalking in the Fourth Degree: When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct is likely to cause reasonable fear of material harm to the physical health, safety, or property of such person, a member of such person's immediate family, or a third party with whom such person is acquainted; or causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning, or initiating communication or contact with such person, a member of such person's immediate family, or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or is likely to cause such person to reasonably fear that his or her employment, business, or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the Third Degree: When a person commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding 10 years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or with an intent to harass, annoy, or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment, or death of such person or a member of such person's immediate family; or commits the crime of stalking in the fourth degree and has previously been convicted within the preceding 10 years of stalking in the fourth degree.

Stalking in the Second Degree: When a person: commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument, or deadly weapons or displays what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm; or commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding 5 years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury, or death; or commits the crime of stalking in the third degree, against 10 or more persons, in 10 or more separate transactions, for which the actor has not been previously convicted.

Stalking in the First Degree: When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

Endnotes

¹ Under New York State law, counselors may be required to notify child protective services and/or local law enforcement of any report which involves ongoing suspected abuse of a minor (under the age of 18). Under New York State law, counselors may be required to notify child protective services and/or local law enforcement of any report which involves ongoing suspected abuse of a minor (under the age of 18).

² Throughout these procedures, the phrase "Title IX Co-Coordinators" is used; however, one or both of the Title IX Co-Coordinator may perform the referenced duties and assume the relevant responsibilities for a particular Complaint or, if necessary, for a portion of a Complaint, and for specific points in the process.

³ For purposes of enforcing the expectations and requirements of this Policy, sexual and gender-based misconduct are defined in Section 13. The definition listed here applies to New York state criminal laws.

⁴ The Law School defines consent as affirmative consent consistent with N.Y. Educ. Law § 6441 as described in Section 13.