



Monroe University's

Nondiscrimination and Equal Opportunity Policy and Resolution Procedures

Monroe University's Nondiscrimination and Equal Opportunity Policy and Resolution Procedures are intended to ensure a nondiscriminatory environment by addressing discrimination and harassment on the basis of protected identities. The policy affirms the University's commitment to equity and provides clear procedures for responding to complaints to safeguard equal access to education, employment, and campus life.

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10-1-2026

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Monroe University Nondiscrimination Policy — Quick Reference Guide

Monroe University prohibits discrimination, harassment, sexual misconduct, and retaliation. This guide provides immediate help, local and national resources, and how to file a complaint with the University. The remainder of the document contains definitions, rights, options, and University procedures.

1. Immediate Help

- **Get to a safe place** as soon as possible.
- **Call 911 immediately** if you are in danger or need urgent medical assistance.
- **If you are on campus**, contact **Public Safety** 24 hours/7 days a week at the nearest Monroe University campus (Bronx: 646-393-8495 or New Rochelle: 914-740-6854) to report the incident and request assistance.

Preserve Evidence (If Safe to Do So)

- **Preserving evidence may be helpful** in cases involving sexual assault, dating violence, domestic violence, stalking, hate crimes, or other bias-related incidents. Consider:
 - Saving clothing, objects, or other items connected to the incident.
 - Documenting visible injuries or property damage (photographs may be helpful).
 - Preserving written, electronic, or verbal communications, including texts, emails, voicemails, social media messages, threats, or biased language used during the incident.
 - Writing down the names of any witnesses, if applicable, and/or writing down what happened to you in the event you chose not to report right away.
- **Preserve any evidence** that may be helpful to the University or law enforcement:
 - Do not clean or disturb the area.
 - Save relevant messages, emails, photos, videos, or other digital information.
- **For sexual assault, domestic violence, dating violence, or stalking**, evidence may also include:
 - Medical records or statements from healthcare providers.
 - Police reports or prior incident documentation.
 - A written log of incidents, including dates, times, and locations, if you feel safe doing so.

Seek Medical Care

- **Seek medical attention** if you are injured, even if injuries appear minor.

- **Even if you are not injured**, you are encouraged to seek medical care. Medical providers can:
 - Provide testing and treatment for **sexually transmitted infections (STIs)**.
 - Discuss **pregnancy prevention options**, if applicable.
 - Conduct a **forensic medical examination for evidence collection** if you choose. Evidence may be collected within about five days' time after an incident, and you may receive a forensic exam **without being required to report the incident to law enforcement**.
- **If you have experienced sexual assault**, consider the following to help preserve evidence, if it is safe to do so:
 - Avoid showering, bathing, using the restroom, brushing your teeth, smoking, or eating or drinking.
 - If you changed clothing, place the clothing worn during the incident in a **paper bag** (not plastic).

Reporting and Support

- **You have the right to report the incident to law enforcement:**
 - For emergencies where life, health, or property is in immediate danger, always call **9-1-1**.
 - The NYPD is the primary police agency for the City of New York, including all five boroughs (Manhattan, Brooklyn, Queens, The Bronx, and Staten Island). For an emergency in NYC (any borough), call or text 9-1-1. Call **311** for non-emergency police assistance in NYC.
 - The New Rochelle Police Department is the local police force for the City of New Rochelle and services Monroe University's New Rochelle campus in Westchester County. For an emergency in New Rochelle, call 9-1-1. Call 914-654-2300 for non-emergency assistance in New Rochelle.

You are not required to report the incident to law enforcement to get support or file a complaint with the University. **If you need assistance reporting to law enforcement, contact Public Safety, Title IX/Title VI or Human Resources for assistance.**

Contact the University's Title IX / Title VI / Human Resources office (as applicable) for information, resources, and supportive measures or to report/file a formal complaint and request the University take action to investigate your complaint.

Sexual Assault, Dating Violence, Domestic Violence, Stalking or other Sexual Harassment or Sexual Misconduct
Title IX Coordinators (by Campus)

Jamie Kopchynski – New Rochelle Campus, 914-740-6773, jkopchynski@monroeu.edu,
Main Hall – Student Services Office, 434 Main Street, New Rochelle, NY 10801

Jeannette Slim – Bronx Campus, 646-393-8547, jslim@monroeu.edu, King Hall – Student
Services Office, 2501 Jerome Avenue, Bronx, NY 10468

Christopher E. Barto – Online & St. Lucia Campuses, Vice President, Compliance &
Government Relations, 914-740-6590, cbarto@monroeu.edu, 145 Huguenot Street, 3rd
Floor, New Rochelle, NY 10801

**Discrimination or Harassment Based on Race, Color, National Origin, or Shared
Ancestry (Including Antisemitism and Islamophobia)**

Title VI Coordinator

Christopher E. Barto, Vice President, Compliance & Government Relations, 914-740-6590,
cbarto@monroeu.edu, 145 Huguenot Street, 3rd Floor, New Rochelle, NY 10801

**Other Protected-Class Complaints—Contact Human Resources or the Title VI
Coordinator, as applicable**

Kerry Wirsing, Executive Director, Human Resources, 646-393-8306,
kwirsing@monroeu.edu, Human Resources Office, 145 Huguenot Street, New
Rochelle, NY 10801

- **If you feel unsafe returning to class or work**, ask Monroe University Public Safety or a Title IX, Title VI, or Human Resources Coordinator about safety escorts or temporary protective measures.

Monroe University Public Safety:

New Rochelle Campus: 914-740-6854

Bronx Campus: 646-393-8495

2. Local Hospitals, Clinics, and Survivor Supports (Bronx and New Rochelle)

These locations provide emergency medical care, sexual assault forensic exams (SAFE exams), and crisis and ongoing support.

Bronx

North Central Bronx Hospital
3424 Kossuth Avenue, The Bronx, NY 10467 – (718) 519-5000

BronxCare Health System (Bronx Lebanon Hospital – Concourse Division)
1650 Grand Concourse, Bronx, NY 10457 – (718) 590-1800

Lincoln Medical Center
234 E 149th St, Bronx, NY 10451 – (718) 579-5000

St. Barnabas Hospital
4422 3rd Ave, Bronx, NY 10457 – (718) 960-9000

New Rochelle / Westchester

Montefiore New Rochelle Hospital
16 Guion Place, New Rochelle, NY 10801 – (914) 365-3900

White Plains Hospital (Westchester SAFE Center)
41 E Post Rd, White Plains, NY 10601 – (914) 681-0600

Legal Services

Bronx District Attorney's Office

[Bronx District Attorney's \(DA's\) Public Site](#)

General Information: 718-590-2000

Bias Hotline: 718-590-BIAS (2427)

Child Abuse/Sex Crimes: 718-838-7176

Crime Victims Assistance Unit: 718-590-2114

Domestic Violence Bureau: 718-838-6688

Elder Abuse: 718-590-2260

Westchester County District Attorney's Office (serving New Rochelle)

[Westchester County District Attorney Site](#)

Domestic Violence Bureau at (914) 995-3000

Sex Crimes Bureau at (914) 995-3000

Child Abuse/Elder Abuse at (914) 995-3000

[NYC Family Justice Centers](#)

All Family Justice Centers are open and providing services including immediate safety planning, shelter assistance and other vital services by phone or in person.

NYC Family Justice Centers can help you with:

- Planning for your safety
- Applying for public benefits, shelter, housing, and other support services and programs
- Mental health and counseling services for you and your children to support emotional well-being
- Referrals to job training and education programs, including educational workshops to help with budgeting, credit repair, resume writing, and interviewing skills

- Legal help for orders of protection, custody, visitation, child support, divorce, housing, and immigration
- Connecting to trained law enforcement, such as the NYPD, the NYC Sheriff's Office, and the District Attorney's Office

Helpful Resources for New Yorkers Impacted by Crime

[Know Your Rights: A Guide for Victims of Crime](#)

[Every Crime Victim Matters: A Guide to Crime Victims Compensation in NY State](#)

Visit the [NYS Office of Victims Services \(OVS\)](#) for further information.

[NYC Mayor's Office to End Domestic and Gender-Based Violence](#)

NYC Office for the Prevention of Hate Crimes (OPHC) – Provides victim support information, downloadable guides (including materials in Yiddish and other languages), and links to services for people impacted by hate crimes or bias incidents in NYC. [Victim Support - OPHC](#)

NYC Commission on Human Rights (CCHR) – Handles reports of bias and discriminatory harassment. Victims of antisemitic bias can contact CCHR by calling **311** or directly at **212-416-0197**.

New York State Hate Crimes Task Force – Offers a **bias incident hotline** at **888-392-3644** (text "HATE" to **81336**) for reporting and support coordination.

Council on American-Islamic Relations (CAIR) Civil Rights Hotline: 646-665-7620

UJA-Federation of New York – Antisemitism Response Resources – Provides community safety initiatives, advocacy, and support for people affected by antisemitism in NYC. [Standing Up to Antisemitism » UJA-Federation of New York](#)

Human Rights Campaign (LGBTQ+ Support): 800-777-4723

3. National Hotlines

National Sexual Assault Hotline (RAINN): 800-656-HOPE (4673)

National Domestic Violence Hotline: 800-799-SAFE (7233)

National Suicide & Crisis Lifeline: 988

Anti-Defamation League (ADL): 212-885-7970 (NYC Office)

EEOC Discrimination Hotline: 800-669-4000

4. Filing a Report or Complaint With Monroe University

You may report an incident with your name or anonymously. Please note that not including your name may limit the University's ability to respond effectively. **Once you file a report, you will be given all of your rights and options, including being offered supportive measures, and given the right to file a formal complaint.**

Report Online: Title IX (Sexual Misconduct) Reporting Form:

https://cm.maxient.com/reportingform.php?MonroeUniv&layout_id=200

or Title VI (Discrimination Based on Protected Classes) Reporting Form:

https://cm.maxient.com/reportingform.php?MonroeUniv&layout_id=202

5. Supportive Measures Available to Students & Employees

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate to restore or preserve equal access to the University's education programs, activities, or employment. Supportive measures may be requested by students or employees regardless of whether a formal complaint is filed and may be implemented before, during, or after the resolution of a report under this Policy.

Available supportive measures may include, but are not limited to:

- No-contact directives between involved parties;
- Academic or workplace adjustments, such as extensions of deadlines, flexible attendance, modified work schedules, or temporary changes to job duties or class modality;
- Housing or parking modifications, including temporary relocation or adjustments to residential or commuting arrangements;
- Safety planning and Public Safety support, including campus safety escorts or increased monitoring where appropriate;
- Referral to medical, counseling, or wellness services, including on-campus and off-campus resources.

Supportive measures are designed to be individualized, reasonably available, and tailored to the specific circumstances of each situation. The University will maintain the privacy of any supportive measures provided to the extent possible while still meeting its obligations under law and policy. The provision of supportive measures does not constitute a finding, a determination of responsibility, a belief that the Respondent engaged in the alleged misconduct, or the imposition of disciplinary action against any party.

I. Policy Statement

Monroe University is committed to maintaining an academic, work, and living environment in which all individuals are treated with fairness and dignity. Everyone at the University has the right to work, learn, live, and participate in an environment that promotes equal opportunity and prohibits discrimination, including all forms of harassment. While harassment based on any protected identity identified in this policy is absolutely prohibited and a violation, this policy will also address a specific form of harassment, called sexual misconduct. Some forms of sexual misconduct may constitute Title IX Sexual Harassment. If an offense as alleged meets the definition of Title IX Sexual Harassment, the University is required to implement special procedures as further discussed in this policy and subsequent procedure.

This Policy and the Procedures that follow are intended to comply with all applicable federal, state, and local nondiscrimination and civil rights laws, including but not limited to: Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Discrimination in Employment Act (ADEA); the Equal Pay Act; the Genetic Information Nondiscrimination Act (GINA); Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act (ADA); the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA); the Immigration Reform and Control Act (IRCA); the Jeanne Clery Campus Safety Act and the Violence Against Women Act (VAWA) amendments; the New York State Human Rights Law; New York State Labor Law § 203-e (reproductive health decision protections); New York Education Law § 6436-a (Designation of a Title VI Coordinator and Duties); New York State Civil Rights Law; New York State Correction Law Article 23-A; and, where applicable, the New York City Human Rights Law. Because these authorities may impose different substantive standards, the University will apply the law governing the particular allegation rather than treating the broadest standard as controlling in every matter.

Any person who complains or participates in any process pursuant to this policy is protected from acts of retaliation as defined in this policy. Monroe University takes all allegations of discrimination and harassment seriously and will not tolerate retaliatory conduct. Where discrimination, harassment, or sexual misconduct occurs, the University will act promptly to stop it, prevent its recurrence, and take appropriate corrective action, including discipline of those found in violation of this policy.

This Policy establishes a single administrative framework for receiving, assessing, and addressing reports of discrimination and harassment at Monroe University. Allegations are resolved under different procedures and substantive legal standards based on the nature of the conduct, the status of the parties, the jurisdiction, and applicable law. The use of a unified Policy does not make those standards interchangeable or diminish the University's obligation to respond promptly and equitably to every report.

Equal Employment Opportunity

It is the policy of Monroe University to ensure equal employment opportunity without discrimination or harassment on the basis of actual or perceived race, color, creed, religion, age, ethnicity, national origin or ancestry, sex, pregnancy and related conditions, marital status, partnership status, physical, mental, or perceived disability, veteran or military status, genetic predisposition or carrier status, sexual orientation, gender identity and gender expression, citizenship or immigration status,

sexual and reproductive health decisions, domestic violence victim status, familial or caregiver status, arrest or conviction record, height or weight (where applicable under local law), or any other characteristic protected by federal, state, or local law.

For employment matters governed by the New York State Human Rights Law, a facially neutral employment practice (i.e., a policy that does not explicitly discriminate against any group) may be unlawful if it actually or predictably results in a disparate impact on a protected class, even without proof of discriminatory intent. If such an effect is established, the University may demonstrate a legally sufficient justification by showing that the practice is job-related for the position in question and consistent with business necessity. A claim may nevertheless be established where the asserted necessity could be served by an available alternative employment practice with a less discriminatory effect. This paragraph applies only to employment claims and only to the extent required by applicable New York law.

The University prohibits and will not tolerate discrimination or harassment in employment. Employment concerns may be evaluated under intentional-discrimination, harassment, reasonable-accommodation, retaliation, or, where recognized by applicable law, disparate-impact standards. This Policy is one component of Monroe University's broader commitment to fostering a safe, equitable, and inclusive environment for all members of its community.

Jurisdiction of this Policy

This Policy applies to all University faculty, administrators (including supervisors, managers, and senior leadership), athletic personnel, and other staff, whether full-time or part-time (collectively, "University employees"), as well as non-employees working at the University such as employees of contracted service providers, interns, volunteers, applicants for employment, students, applicants for admission, and visitors. It governs their treatment of each other and of others with whom they come into contact at the University and/or at University-sponsored or affiliated activities and events.

The University's full disciplinary authority may not extend to third parties who are not students or employees (or employment applicants or prospective students) of Monroe University. However, complaints alleging that such individuals engaged in conduct violating this Policy may be investigated in accordance with these procedures. Complaints of sexual misconduct made to the University by third parties may also be investigated if connected to the University's educational programs or activities, and appropriate action will be taken to the extent possible.

At the time of filing a complaint of Title IX Sexual Harassment, a Complainant must be participating in, or attempting to participate in, the University's education programs or activities.

Where Applicable

This Policy applies to conduct that occurs:

- On University premises;
- At University-sponsored or affiliated activities and events, whether on or off campus (including overnight trips, athletic events and practices, study abroad programs, service learning programs, internships, and external business meetings);

- At certain off campus and non-University-affiliated locations when the conduct is determined to have a sufficient nexus to the University. A sufficient University nexus may exist where the conduct occurs in connection with University programs, activities, or relationships; involves members of the University community; or has the effect of limiting or denying a person's ability to participate in or benefit from University education, employment, or services; and/or
- Through all forms of technology and communication used by individuals covered by this Policy, when there is a sufficient nexus to the University.

The prohibition against Title IX Sexual Harassment applies to conduct occurring in the United States within the University's education programs and activities. These include locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the harassment occurred, as well as buildings owned or controlled by student organizations officially recognized by the University.

Conduct occurring outside of the University's education programs and activities, or outside of the United States, may still be addressed under the a) the General Discrimination Resolution Procedure (Procedure A); or b) Procedure B's Non-Title IX Resolution Procedure (if the allegation involves a form of sexual misconduct that does not meet the jurisdiction of Title IX) if the University determines that the behavior, or the continued presence of the accused individual, impairs, obstructs, substantially interferes with, or adversely affects the mission, processes, or functions of the University.

Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from University premises or outside of work hours, if they create a continued hostile environment on campus for a person or persons based on a protected identity.

If any provision or procedure in this Policy conflicts with another University policy, this Policy will control. If this Policy or its resolution procedures conflict with applicable federal, state, or local law, the applicable law will control. Upon identifying such a conflict, the University will follow the governing law, update this Policy in a timely manner, and provide the involved parties with written notice of any resulting change in policy or procedure and the rationale for the change.

Privacy and Confidentiality

Monroe University is committed to respecting the privacy of individuals involved in reports of discrimination, harassment, and retaliation, while also fulfilling its legal and institutional obligations to respond appropriately to such reports.

Privacy

The University will make reasonable efforts to protect the privacy of all parties involved in a report or complaint under this Policy. Privacy means that information related to a report will be shared only with individuals who have a legitimate educational or administrative need to know in order to carry out the University's responsibilities under this Policy, comply with applicable law, or ensure campus safety.

The degree to which information can be kept private depends on the circumstances of the report, including the nature and severity of the alleged conduct, the identities of the parties, and the

University's obligation to provide a safe and nondiscriminatory educational and working environment. Complete privacy cannot be guaranteed.

Confidentiality

Confidentiality refers to the ability of certain University employees to keep information shared with them from being disclosed to others. Only designated confidential resources are able to offer confidentiality. These typically include licensed counselors, medical providers, clergy acting in a pastoral capacity, and other professionals designated by the University as confidential resources. Monroe's Health and Wellness Office is available as the designated confidential resource for students to discuss and file a complaint.

Information disclosed to confidential resources will not be shared with the University without the individual's permission, except as required by law or professional ethical obligations.

Employees with Reporting Obligations

Most University employees, including faculty and staff, are required to share information they receive regarding possible violations of this Policy with the Title IX Coordinator, Title VI Coordinator, or appropriate University official. These employees are not confidential resources; however, they are expected to respect the privacy of those involved and share information only as necessary to fulfill their reporting obligations.

Requests for Confidentiality or No University Action

Individuals may request that the University maintain their privacy or decline to pursue a formal resolution. The University will carefully consider such requests and weigh them against its obligation to provide a safe and nondiscriminatory environment for the campus community. In evaluating such requests, the University may consider factors including, but not limited to, the seriousness of the alleged conduct, the existence of a pattern of behavior, the use of force or threats, and the potential impact on campus safety.

While the University will seek to honor requests for privacy or limited action where possible, it may proceed with an investigation or other appropriate action without the individual's participation when necessary to meet its legal obligations.

If any non-confidential employee receives a disclosure of prohibited conduct as defined by this policy, they are still required to report information reported or known by them to the reporting structure of the University and may not keep such information confidential.

Training -Title IX Personnel:

Pursuant to the Title IX regulations issued in 2020, the University ensures that the Title IX Coordinators, investigators, decision-makers, and any individuals designated to facilitate informal resolutions receive training as required by law. Such training includes instruction on the definition of sexual harassment under Title IX, the scope of the University's education programs and activities, how to conduct investigations and grievance processes that are impartial and free from conflicts of interest or bias, how to evaluate relevance and credibility, and how to apply the preponderance of the evidence standard. Decision-makers receive additional training on conducting hearings,

evaluating evidence, and issuing written determinations. In addition, while not required by the Title IX regulations, any individual who serves as an advisor and is also an employee of Monroe University will be offered elective training required by the University to ensure they understand the Title IX grievance process, the advisor's role during hearings, expectations for professional conduct, and the importance of fairness, neutrality, and respect for all parties involved.

II. Prohibited Discrimination and Harassment Defined

Protected Class

"Protected class," "protected identity," or "protected status" means a characteristic protected under this policy or by applicable federal, state, or local law. Protected classes include actual or perceived: race, color, creed, religion, age, ethnicity, national origin or ancestry, sex, pregnancy and related conditions, marital status, partnership status, physical, mental, or perceived disability, veteran or military status, genetic predisposition or carrier status, sexual orientation, gender identity and gender expression, citizenship or immigration status, sexual and reproductive health decisions, domestic violence victim status, familial or caregiver status, arrest or conviction record, height or weight (where applicable under local law), or any other characteristic protected by federal, state, or local law.

Prohibited Discrimination

Federal and New York law do not apply identical standards. Under current federal Title VI regulations, a facially neutral policy or practice (i.e. one that doesn't explicitly discriminate against any group) does not violate Title VI solely because it produces a disproportionate outcome; a Title VI violation requires intentional discrimination. New York employment law may separately recognize liability for a facially neutral employment practice that actually or predictably produces a disparate impact on a protected class, subject to the standards and defenses provided by applicable law. The University will apply the legal standard governing the particular claim, conduct, parties, and jurisdiction.

Discrimination means adverse, unequal, or differential treatment of an individual or group because of a protected class, including the denial of access to programs or activities, inequitable decision-making in academic or employment matters, or disparate treatment. A facially neutral policy or practice that produces a disproportionate negative effect will constitute prohibited discrimination under this Policy only when the applicable federal, state, or local law recognizes such a claim and the requirements of that law are satisfied.

"Disparate treatment" means intentional differential treatment because of a protected class.

"Disparate impact" means the actual or predictable disproportionate effect of a facially neutral policy or practice on a protected group, without requiring proof of discriminatory intent, where that theory is recognized by the law governing the claim. Under this Policy, disparate impact is not a standalone basis for a federal Title VI violation, but may apply to covered employment practices under New York law.

Prohibited Discriminatory Harassment

Prohibited Discriminatory Harassment ("prohibited harassment" or "discriminatory harassment") means unwelcome conduct directed at an individual or group based on a protected

class. Under New York law, harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of academic participation or employment. Harassment does not need to be severe or pervasive to be unlawful in New York State; conduct that constitutes anything more than *petty slight or trivial inconvenience* is prohibited.

Harassment may occur in any medium, including verbal, written, electronic, digital, email, social media, or through the use of artificial intelligence to generate, manipulate, or distribute representations, images, or other content depicting an individual or group.

Examples of discriminatory harassment include, but are not limited to, acts that denigrate or show hostility or aversion toward one or more actual or perceived members or associates of a protected class, including: verbal abuse; epithets or slurs; negative stereotyping (including stereotypes about physical appearance such as skin color, facial features, or style of dress reflecting ethnic or cultural traditions; a foreign accent; a foreign or ethnic-associated name; or speaking a language other than English); threatening, intimidating, or hostile acts; denigrating jokes; insulting or obscene comments or gestures; calls for genocide or violence; and the display or circulation of offensive written or graphic material in any form.

Speech Regarding Countries, Governments, or State Policies

Speech or conduct expressing views regarding a particular country's government, institutions, policies, or practices generally does not constitute discriminatory harassment based on race or national origin, including actual or perceived shared ancestry or ethnic characteristics. However, when speech or conduct that otherwise appears to concern a country's policies or practices is directed at, or infused with, discriminatory comments, stereotypes, symbols, or hostility toward individuals or groups based on protected characteristics, it may constitute discriminatory harassment under this Policy. The use of coded language, symbols, or historically discriminatory tropes may violate this Policy.

In responding to reports involving speech or conduct related to a country's policies or practices, the University will consider whether the expression constitutes protected political speech, academic inquiry, or an exercise of academic freedom.

Use of Illustrative Frameworks and Shared-Ancestry Bias

As part of a totality-of-the-circumstances analysis for claims involving race or national origin, including actual or perceived shared ancestry or ethnic characteristics, the University may consider relevant definitions, frameworks, contextual indicators, and evidence of outcomes when assessing discriminatory intent, discriminatory treatment, or harassment. Evidence of disproportionate outcomes may be relevant to intent or context but, by itself, does not establish a violation of federal Title VI.

For example, with respect to claims of antisemitism, the University considers the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, which defines antisemitism as "a certain perception of Jews, which may be expressed as hatred toward Jews," and provides illustrative examples. These examples include but are not limited to: calling for or

justifying violence against Jews; dehumanizing, demonizing, or stereotypical allegations about Jews; Holocaust denial; accusing Jews collectively of wrongdoing; denying Jewish self-determination; applying double standards to Israel; or using classic antisemitic symbols to characterize Israel or Israelis. These examples are non-exhaustive and non-determinative and are used solely as guidance in evaluating whether alleged conduct may constitute antisemitic harassment or discrimination under this Policy and applicable law.

Conduct commonly described as Islamophobia, anti-Arab bias, anti-Palestinian bias, anti-Asian bias, or hostility toward other groups defined by shared ancestry or ethnic characteristics is evaluated under the same standards and through the same totality-of-the-circumstances analysis when such conduct is based on race or national origin, including actual or perceived shared ancestry or ethnic characteristics. No form of shared-ancestry-based bias is afforded greater or lesser weight under this Policy.

Case-by-Case Assessment

Each reported incident of alleged speech or conduct will be assessed on a case-by-case basis. The University will determine whether alleged speech or conduct constitutes discrimination or discriminatory harassment, including by creating or contributing to a hostile environment, by considering the totality of the circumstances surrounding the alleged incident or course of conduct.

Objective and Subjective Factors

In making its determination, the University will consider all relevant objective and subjective factors. No single factor will be dispositive.

Objective factors address whether a reasonable person in the complainant's position would perceive the alleged speech or conduct to meet the definition of discrimination or discriminatory harassment. Subjective factors relate to how the complainant actually perceived the alleged speech or conduct and whether the complainant experienced it as discriminatory or harassing. The offensiveness of an expression, standing alone, is not sufficient to establish a hostile environment.

Factors the University may consider include, but are not limited to:

- The nature and severity of the alleged speech or conduct, including whether it involves words, images, or symbols commonly understood to express hatred of, or calls for violence against, a protected class.
- Whether the alleged speech or conduct was intended or reasonably likely to incite violence, discrimination, or discriminatory harassment, or to create or contribute to a hostile environment.
- The frequency, duration, and location of the alleged speech or conduct, and the identities, relationships, and relative positions of the persons involved.
- Whether the alleged speech or conduct was directed at an identifiable individual or group, including whether online conduct targeted one or more University affiliates.

- Whether the complainant had a reasonable alternative to being subjected to the alleged speech or conduct without forfeiting access to University programs or activities.
- Whether there was a difference in status, authority, or power between the respondent and the complainant.
- Whether the alleged speech or conduct interfered with or limited the complainant's ability to participate in or benefit from University programs or activities.
- Whether the alleged speech or conduct, even if offensive, constitutes expression on political, social, or similar topics.
- Whether the alleged speech or conduct, even if offensive, constitutes an exercise of academic freedom.

The University will not determine that speech or conduct constitutes discrimination or discriminatory harassment solely because it is offensive.

Hostile Environment

A hostile environment exists when unwelcome conduct based on a protected class violates the standard imposed by the law governing the allegation. Depending on the applicable standard and the totality of the circumstances, a hostile environment may result from a single incident or from a pattern of conduct.

Sexual Misconduct, including Title IX Sexual Harassment and Non-Title IX Sexual Harassment

In accordance with Title IX of the Education Amendments of 1972, in addition to other laws, the University prohibits sex discrimination. Sexual harassment is a specific form of prohibited harassment that is perpetrated against a person based on the sex of the alleged harmed Party. If an act of sexual harassment is determined not to meet the threshold of Title IX, but it still constitutes prohibited harassment as defined in this policy, then it will be resolved using the procedures found in Procedure B for "Non-Title IX Sexual Harassment." Some acts of sexual harassment may meet the threshold to be investigated and resolved using the requirements found in Title IX ("Title IX Sexual Harassment"). In such cases, the University will utilize Procedure B's procedures for Title IX Sexual Harassment to resolve those complaints. The Title IX Coordinator will ensure that prior to any resolution process that the parties are informed whether the offenses as alleged will be resolved using the Title IX or Non-Title IX resolution procedure found in Procedure B.

III. Other Definitions

Complainant

"Complainant", "complaining Party", or "alleged harmed Party" means an individual who is alleged to be the victim of conduct that could constitute discrimination or harassment as defined by this policy.

Respondent

“Respondent ”, “responding Party ”, or “accused person” means an individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment as defined by this policy.

Party

“Party ” means either the Complainant (s) or Respondent (s) in an investigation or action relating to a report of discrimination or harassment.

Witness

An individual who may have observed or otherwise have relevant information concerning alleged discrimination, including harassment, including sexual misconduct.

Student

A person who has gained admission to the University, including a person who is not officially enrolled for a particular semester. Students include, but are not limited to, persons registered in any program or division of the University, whether for courses or research, and regardless of whether they are candidates for a degree or certificate. They also include persons who are on leave or suspended or continuing matriculants for any degree or certificate, as well as persons registered during any preceding terms and who have not since that time earned the degree or certificate or withdrawn from the University.

Employee

Any individual employed by the University, whether full-time or part-time and in any capacity.

Advisor of Choice(specific to Sexual Misconduct--Title IX and Non-Title IX Sexual Harassment Complaints)

An “Advisor of Choice” means the person of the Complainant or Respondent ’s choosing, in a Title IX or Non-Title IX Sexual Harassment complaint process, who accompanies them to any meeting or disciplinary proceeding in which they are required to be present. This person can provide support, advise and/or counsel and can be an attorney. During the investigatory stage of the process, the Advisor is not permitted to act on behalf of their Party with regard to answering questions or providing evidence on behalf of a Party. They may not be disruptive, nor may they unnecessarily delay the investigation due to their personal availability. During the Live Hearing portion of the resolution process, the Advisor of Choice is responsible for conducting the cross-examination during a live hearing pursuant to the Title IX grievance process in Procedure B. Cross-examination in this setting is limited to the other Party and witnesses. The Advisor cannot make opening or closing statements, ask questions of their own advisees, object to questions, or engage in advocacy other than that permitted herein. An Advisor is also permitted in the Non-Title IX grievance process in Procedure B; however, their role is restricted to that during the investigatory stage as described above.

The University will not restrict the choice of an advisor and the advisor can be anyone of the Party ’s choosing, although the advisor may only serve one role (for example, the advisor may not also be a witness.) The University may remove an Advisor if they become disruptive or otherwise hinders a fair and equitable process. The involvement of an Advisor may not result in undue delay of any meeting or proceeding. During the Title IX live hearing, if a Party does not have an Advisor, the University will appoint one on behalf of the Party without fee, i.e., free of charge. In this capacity, the Advisor will

be appointed for the sole purpose of conducting cross examination of the other Party and witnesses. Employees of the University may serve in this capacity, however, are not required to serve as advisors of choice and may choose to decline serving in this capacity.

Decision-Maker

The “Decision-Maker ” is the person or persons that will make the determination of responsibility for:

- *Emergency Removal in a Title IX Sexual Harassment Complaint*
- *at the conclusion of a Title IX or Non-Title IX Sexual Harassment complaint formal resolution process*
- *at the conclusion of any other formal resolution process identified under this policy, or*
- *following an appeal.*

The Decision-Maker will provide the determination in writing at the conclusion of the formal grievance process and cannot be the same person as the Title IX Coordinator or the Investigator on a case arise out of the same facts or circumstances. In the case of an Appeal, the Decision-Maker will be different from the person or person who made the initial determination. The Decision-Maker may be an employee or a contracted service provider. The University retains the right to establish a pool of cross-trained individuals who may serve in the capacity as an Investigator or one of the Decision-Makers, however, a Decision-Maker would never hold more than one position during any particular complaint.

Report

A *Report* is any disclosure or other information concerning alleged discrimination, harassment, or retaliation that comes to the University’s attention, whether provided by the alleged Complainant, a third party, an employee who observes possible misconduct, or another source. A Report may be verbal or written and does not, by itself, request the Title IX formal grievance process. Upon receiving a Report or otherwise obtaining actual or constructive notice, the University will assess its obligations under applicable law, offer supportive measures, provide information about rights and options, and take any prompt and effective action required even if the affected person does not file a Formal Complaint or request an investigation. When a signed Formal Complaint is required to initiate the Title IX formal grievance process, the University will explain that filing option separately.

Notice and the Duty to Respond

The University’s obligation to respond is not limited to matters in which a signed Formal Complaint has been filed. Under civil-rights laws that impose an actual- or constructive-notice standard, the University may be required to take prompt and effective action when the University or an authorized official knows, or reasonably should know, of conduct that may constitute discrimination or harassment. Notice may arise from a report, an employee’s observation, a pattern of incidents, or other information. The University will assess such information, offer supportive or protective measures as appropriate, and take any action required by the law governing the allegation, even if no Formal Complaint is filed or the affected person does not request an investigation. By contrast, when the Title IX regulations applicable to governing a particular allegation, require actual knowledge by the Title IX Coordinator or another official with authority to institute corrective measures triggers the University’s obligation to respond promptly and in a manner that is not deliberately indifferent, including by offering supportive measures. And a signed Formal Complaint

is a separate procedural document that initiates the Title IX formal grievance process when required. Under other civil-rights laws, the University may also be required to act when it knows or reasonably should know of possible discrimination or harassment. T

he University will follow that requirement for that process. Nothing in the Title IX Formal Complaint filing requirement limits those duties arising under other federal, state, or local laws or the University's authority to take supportive, protective, preventive, or corrective action address conduct under another applicable law or University procedure.

Formal Complaint

A Formal Complaint is a written document, including an electronic submission, describing allegations of discrimination or harassment against a Respondent and requesting that the University investigate. For Title IX complaints, the document must include a signature or other indication that the Complainant is the person filing the Formal Complaint, or the document may be signed by the Title IX Coordinator if the University alleges sexual misconduct against a Respondent. For discrimination or harassment based on sex, a Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party to the complaint. Other complaints of protected-class discrimination or harassment may be filed with Human Resources or the appropriate University coordinator identified in this Policy. If such a complaint is made verbally, the receiving office will reduce it to writing for review by the Complainant before initiating any formal process.

Informal Resolution

General Harassment/Discrimination Complaints:

Informal resolution is a voluntary process in which the parties involved in a harassment or discrimination complaint work to address and resolve the concern without a formal investigation or adjudication. Informal resolution may involve actions such as:

- Facilitated discussion or mediation between parties (with trained staff)
- Coaching or education regarding policies and expectations
- Agreement on behavioral modifications or corrective actions
- Referral to supportive or preventive resources

The University must first decide that informal resolution is an appropriate resolution pathway for a complaint prior to offering the parties with the option. If offered by the University, participation in informal resolution is completely voluntary, and either Party may choose to end the process at any time and pursue a formal complaint instead. The University will not require participation in informal resolution as a condition of access to supportive measures, continued enrollment, or employment.

Informal resolution is typically not used for allegations of sexual assault, dating violence, domestic violence, or stalking, due to the potential safety risks and regulatory requirements. If you are not satisfied with the informal resolution in general discrimination complaints, you may still pursue the formal grievance process.

Title IX Sexual Harassment Complaints (under the 2020 Title IX Rule):

Under the 2020 Title IX regulations, Monroe University may offer informal resolution for Title IX sexual harassment complaints, with the following conditions:

Voluntary Participation: Both the Complainant and Respondent must agree in writing to engage in informal resolution.

1. **Eligibility:** Informal resolution cannot be used for allegations that an employee sexually harassed a student.
2. **No Formal Investigation Waiver:** Parties may withdraw from informal resolution at any time, after which a formal investigation can proceed. The University will not require participation in informal resolution as a condition of access to supportive measures, continued enrollment, or employment.
3. **Documentation and Oversight:** An Informal Resolution Agreement that outlines the requirements of the agreement and any conditions that must be met must be signed by both parties and the Title IX Coordinator in order to conclude the matter. The agreement shall then be overseen by the Title IX Coordinator to ensure compliance and enforceability.
4. **Scope:** Informal resolution can include facilitated meetings, written agreements, or other resolution strategies, but cannot involve coercion or require the parties to admit wrongdoing.
5. **No Appeal:** Informal resolution for Title IX complaints is final and there are no appeal rights or rights to file a formal complaint if you become later dissatisfied with the outcome.

*Of note, the University is these conditions to all Formal Complaints of sexual misconduct whether they meet the threshold for Title IX or not.

Key Points for Both Types of Complaints:

- Informal resolution is intended to address concerns efficiently and collaboratively when appropriate.
- Participation is voluntary and confidential, though certain information may need to be shared to protect the safety of the community.
- Informal resolution does not preclude later filing of a formal complaint in most cases. ***For Title IX complaints, once the Informal Resolution Agreement is signed by both parties and the Title IX Coordinator, the matter is considered concluded and there are no appellate rights.***
- Nothing ever precludes a person from beginning an informal process and determining they would like to stop that process and initiate the formal process. This can be done at any time prior to the finalization of the complaint by either Party or the University if the University has determined that the informal resolution process is not evolving successfully to date.

Supportive Measures

Supportive measures are individualized, non-punitive services offered to a Complainant or Respondent to restore or preserve equal access to University programs and activities without unreasonably burdening the other Party. Supportive measures may include academic adjustments, no-contact directives, housing or schedule modifications, workplace changes, and/or referrals to counseling services. Supportive measures may be offered regardless of whether a formal complaint is filed and may be implemented before, during, or after the resolution process.

Retaliation

Retaliation is adverse actions taking against a person for making a good faith report, filing a complaint, participating in a disciplinary process, including witnesses, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including abuse or violence, threats, coercion, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or University controlled environment of an individual or if they hinder or prevent the individual from effectively carrying out their University responsibilities. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy.

Allegations of retaliation will be resolved under the Student Code of Conduct or the Employee Handbook, depending on the status of the Respondent as a student or employee. Retaliation allegations may be addressed independently of, or prior to the resolution of, an allegation of protected class discrimination or harassment as defined by this Policy.

In complaints alleged sexual harassment, if the Title IX Coordinator determines that the complaint, even if substantiated, would not rise to the level of a violation of this policy, the Title IX Coordinator may dismiss the complaint or refer the complaint to another office for review. A case may also be dismissed for not meeting the threshold and jurisdictional requirements for Title IX, however, a dismissal of a case for purposes of Title IX does not preclude the University from utilizing this policy for Non-Title IX sexual harassment and referring the matter for Non-Title IX Resolution under Procedure B.

Dismissals

If at any time, during the investigation resolution process, a Complainant notifies the administrator with jurisdiction in writing that the Complainant would like to withdraw the formal resolution process or withdraw any allegations therein; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations, the University may dismiss the complaint and end the formal resolution process. The decision as to whether to dismiss the complaint will be determined by the administrator with jurisdiction based on the stated goals of this policy.

For complaints that meet the threshold for Title IX, upon a dismissal permitted pursuant to this section, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Either Party may appeal the University's dismissal of a Complaint or any allegations by submitting a written appeal within five (5) business days of the dismissal. Appeals may follow the grounds outlined in the Appeals section of this policy. If the appeal is denied, the dismissal of the complaint will remain in effect.

A dismissal under this Policy reflects a procedural or jurisdictional determination only and does not constitute a finding regarding the credibility of the parties or the merits of the allegations.

Standard of Evidence

Unless otherwise required by law, Monroe University applies the preponderance of the evidence standard in all discrimination and harassment resolution processes under this Policy.

IV. Sexual Misconduct

Discrimination and harassment can take many forms. Prohibited conduct under this Policy includes, but is not limited to, behaviors commonly recognized as *sexual misconduct*, which includes acts that constitute sexual harassment, including sexual assault, dating violence, domestic violence, and stalking.

Sexual misconduct may occur in a single incident or consist of a series of incidents. It can occur between any individuals, regardless of sex, gender identity or expression or sexual orientation, including but not limited to:

- Two faculty or staff members.
- A faculty or staff member and a student.
- Two students.
- A group and an individual.
- Individuals of the same or different gender.
- Individuals of the same or unequal status or power.
- A harasser may be a superior, subordinate, co-worker, contractor, vendor, client, customer, or visitor. The person being harassed may also be any of the above persons.

All forms of sexual misconduct are prohibited by this Policy as well as federal and state law. Any individual found responsible by Monroe University for such conduct will face serious disciplinary sanctions, up to and including suspension or expulsion (for students) and termination of employment (for employees).

Sexual Harassment

Sexual harassment refers to any unwelcome or unwanted sexual advances, requests for sexual favors, or other verbal, physical, demonstrative, or electronic conduct of a sexual nature, or conduct directed at an individual because of that individual's sex.

1. Hostile Environment Harassment

Unwelcome conduct that a reasonable person would find so severe, pervasive, or objectively offensive that it effectively denies equal access to the University's education programs or activities. Hostile environment harassment can occur even if the Complainant is not the intended target. Examples include sexual jokes, pranks, intimidation, or physical violence of a sexual nature.

Petty slights, annoyances, limited speech, and isolated incidents (unless extremely serious) generally will not rise to the level of a violation of this policy. To be unlawful under federal law, the conduct must create an environment that would be intimidating, hostile, or offensive to reasonable people.

In order for the conduct to constitute Title IX Sexual Harassment, it must reach the threshold of being severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's programs or activities.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the complaint's supervisor, a supervisor in another area, a peer, a student, an agent of the employer, a co-worker, a non-student, or a non-employee.
- The Complainant does not have to be the person who is the subject of harassment but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the Complainant.

Examples of conduct that may constitute hostile environment harassment include:

- Verbal comments of a sexual nature (jokes, innuendoes, slurs, or statements).
- Use of sexual teaching materials or comments not relevant to academic purpose.
- Remarks about an individual's clothing or body.
- Remarks speculating about an individual's sexual orientation, activity, or prior sexual experiences.
- Verbal harassment or abuse of a sexual or physical nature or because of a person's sexual orientation on gender identity/expression.
- Offensive gender-based remarks.
- Display or transmission of sexually offensive objects, photographs, drawings, graffiti, emails, social media communications, or computer graphics unrelated to academic purpose.
- Non-verbal behaviors of a sexually degrading or offensive nature (gesturing, leering).
- Unwanted touching, hugging, or brushing against an individual's body.

2. Quid Pro Quo Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit; or
- Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions.

To reach the threshold for a claim under Title IX, the person conditioning the provision of the aid, benefit, or service must be an employee.¹

¹ For purposes of this policy, "volunteers" do not constitute "employees" with regard to allegations of sexual harassment for purposes of Title IX. Complaints alleging "volunteers" committed acts of sexual harassment will be resolved utilizing the institution's non-Title IX grievance process in Procedure B.

Examples of conduct that may constitute quid pro quo harassment include:

- Requests, demands, or persistent pressure for sexual favors when tied to rewards, benefits, or services or threats of retaliation concerning work, grades, promotions, tenure, or other University decisions if a person does not acquiesce to sexual contact. “Sexual conduct” need not occur in person. For example, offering to provide a benefit to a subordinate if they send you intimate, private, or sexual images via digital, electronic, or other non in-person means would constitute “sexual contact.”

Sex stereotyping may also constitute sexual harassment. This occurs when conduct or personality traits are deemed inappropriate (or more appropriate than a similarly situated individual) simply because they do not conform to others’ perceptions of how individuals of a particular sex should act or look.

- Assigning an individual to a role, duty, or academic task based on the perception that such responsibilities are more appropriate for their sex rather than their demonstrated skills or interests.
- Expecting or requiring women to take on administrative, note-taking, or support functions in meetings or classes because of the perception that such tasks align with their sex rather than their qualifications.
- Expecting or requiring men to take on physically demanding tasks or leadership assignments, based on sex-based assumptions or gender roles rather than qualifications.
- Evaluating or rewarding assertive communication differently depending on sex, for example, treating men’s directness as leadership while labeling women’s directness as inappropriate.
- Discouraging women from pursuing technical or STEM-related projects, or discouraging men from pursuing caregiving, counseling, or humanities roles, because of sex-based stereotypes about aptitude.
- Assigning mentoring, advising, committees, or emotional support responsibilities disproportionately to women faculty or staff because of the perception that nurturing roles are inherently female functions.
- Assigning, evaluating, or penalizing individuals based on assumptions about pregnancy, parenting, or marital status, for example, presuming that women with children are less committed to their studies or jobs, that men without children are more available for overtime, or that unmarried individuals are less stable or reliable. This includes excluding punitive outcomes or adverse treatment for those who do not have children or are not married, ensuring that opportunities, assignments, and evaluations are based solely on merit and performance rather than family or marital status.

3. Sexual Assault

Any nonconsensual sexual act prohibited by law, including when the complaining Party lacks capacity to consent, regardless of the sex, gender identity or expression, or sexual orientation of the complaining Party , and include the following offenses:

- **Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without affirmative consent or where the victim is incapable of consent due to incapacity.
- **Nonconsensual Sexual Contact (Criminal Sexual Contact under NIBRS):** The intentional touching of the clothed or unclothed body parts of another person, without that person's consent, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This also includes forcing another person, without that person's consent, to touch the actor's clothed or unclothed body parts for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes circumstances in which the individual is incapable of giving consent because of age or because of temporary or permanent mental or physical impairment or intoxication.
- **Statutory Rape:** Sexual intercourse with a person under the statutory age of consent. In New York, the age of consent is **17 years old**.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Affirmative Consent ("Consent")

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

- 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;
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol;
- Consent may be initially given but withdrawn at any time;
- Consent cannot be given when a person is incapacitated (as hereafter described);
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm; and
- When consent is withdrawn or can no longer be given, sexual activity must stop.
- Children under 17 years of age cannot legally consent under New York State Law to having sex or sexual contact with an adult (i.e., someone who is 17 years of age or older).

Any sexual contact in New York between a child under 17 and an adult is a crime, and any such illegal behavior between a University student under 17 and a University employee or nonemployee working at the University will be reported to an appropriate law enforcement agency. Other jurisdictions may have different standards, and any illegal behavior in such jurisdiction also will be reported to the appropriate law enforcement agency.

Incapacitation

Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent.

Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Evaluating incapacitation requires an assessment of an individual's:

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

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

Alcohol and Other Drugs

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

Alcohol and/or Drug Use Amnesty

The health and safety of every student at the University is of utmost importance. Monroe University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Monroe University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Monroe University's officials or law enforcement will not be subject to Monroe University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

The University encourages all members of the University community to promote a safe and respectful environment, to intervene safely when witnessing discrimination, harassment, or sexual misconduct, and to offer support or report incidents when they occur.

Taking action or providing assistance may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. If someone suspects a friend, acquaintance, or stranger may be in an elevated risk situation for becoming a victim, is being victimized, or has been victimized, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively.

Helpful Actions/Do's

- Remind friends that affirmative consent is required for sexual activity and that someone who is overly intoxicated may be unable to consent.
- Look out for friends who may be impaired or in vulnerable situations and take steps to protect them from potential harm.
- Help friends avoid going alone to private or isolated locations with someone if either person may be at risk.
- Step in safely if a friend is making choices that could harm themselves or others.
- Contact authorities or support resources when needed, such as University Security, the Title IX Coordinator, an RA, or another responsible person who can intervene.
- Encourage safe behavior at social events, such as monitoring alcohol consumption and making sure everyone has a safe way to get home.

Actions to Avoid/Don'ts

- Don't assume that someone will automatically consent—always obtain affirmative, enthusiastic consent.
- Don't engage in sexual activity with someone who is intoxicated, asleep, or otherwise unable to consent.
- Don't pressure, coerce, or manipulate someone into sexual activity—respect boundaries at all times.
- Don't ignore warning signs that someone may feel unsafe or uncomfortable—check in and respond responsibly.
- Don't put yourself in situations where you cannot clearly give or receive consent, such as excessive intoxication or isolation with someone.
- Don't ignore personal safety when walking alone, especially with headphone or earbuds in or focusing on your phone. Avoid poorly lit or isolated areas, travel with a group when possible, and have a plan to reach safe spaces.
- Don't assume that sexual misconduct is only committed by strangers. Abuse often comes from people we know, including friends, classmates, or intimate partners.
- Don't remain silent if you see or hear behavior that could lead to harassment or assault. It's the right thing to step in safely or seek help from authorities or support resources.

- Don't be afraid or ashamed to tell if someone has hurt you. Even if you don't know what to call what happened, report it.

4. Dating Violence

Violence committed by a person who is or has been in a romantic or intimate relationship with the victim. Determination of a dating relationship considers the length of the relationship, type of relationship, and frequency of interaction.

5. Domestic Violence

Includes felony or misdemeanor crimes committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child;
- A person cohabitating with or who has cohabitated with the victim;
- A person similarly situated to a spouse;
- Any other person against an adult or youth victim protected under applicable law.

Examples of conduct that may constitute dating or domestic violence include any of the acts below between people with the relationships defined under domestic or dating violence above:

- Physical harm or threats of harm
- Sexual abuse or assault
- Stalking, monitoring, or surveillance
- Intimidation; not allowing a partner to leave a room, building, or area; harassment via digital means; interfering with a partner or ex-partner's property; threatening to or disseminating sexual or intimate images of a partner or ex-partner without consent (i.e. revenge porn); accessing a partner or ex-partner's accounts, impersonating them online, or using their personal information without permission; and public shaming or humiliation
- Any other conduct that involves violence or threats of violence by a current or former spouse, intimate partner, or someone similarly situated to a spouse, or by someone with whom the victim shares a child or cohabitates.

6. Stalking

Stalking refers to engaging in a course of conduct directed at a specific person that would cause a reasonable individual to fear for their own safety or the safety of others, or to suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment.

A "course of conduct" means two or more acts, including but not limited to actions directed at another person, whether directly, indirectly, or through others, via telephone, electronic devices, or other means of communication, to follow, monitor, observe, surveil, threaten, or communicate to or about a person, or to interfere with the person's property.

Examples of prohibited stalking include:

- Unwelcome or unwanted communications of any type (face-to-face, phone calls, voice messages, emails, texts, postings, letters, notes, unwanted gifts)
- Use of threatening words or conduct
- Pursuing or following
- Observing or surveillance
- Trespassing or vandalism
- Entering or remaining on or near a person's property, residence, classroom, workplace, or other location where the person is present
- Interfering with or damaging a person's property, including pets
- Engaging in other unwelcome contact, directly or through third parties

Important: Individuals do not need to determine whether conduct falls under Title IX or Non-Title IX Sexual Harassment before reporting. The University encourages all individuals with concerns to bring them forward to the named individuals as noted in this policy.

V. How to File a Complaint

Any individual who has experienced or witnessed a potential violation of this Policy should promptly report it. A Report is not the same as a Formal Complaint. Reports may be made verbally or in writing. A report may trigger the University's duty to assess and respond when applicable law uses an actual-or constructive-notice standard, including when the University knows or reasonably should know of possible discrimination or harassment. A Formal Complaint under Procedure A may be submitted in writing or, when initially made verbally, reduced to writing by the receiving office for the Complainant's review before the formal process begins. A Title IX Formal Complaint must satisfy the written and signature requirements stated in the Formal Complaint definition and Procedure B. The absence of a signed Title IX Formal Complaint does not prevent supportive measures, a safety response, or action required under another applicable law or University procedure.

Any person can report discrimination, including harassment, at any time using any means identified in this document, including online, in person, by U.S. mail, by email, or by telephone. Reports of sexual misconduct may be submitted through the [Monroe Title IX \(Sexual Misconduct\) Reporting Form](#), and reports of discrimination or harassment based on other protected classes may be submitted through the [Title VI \(Discrimination Based on Protected Classes\) Reporting Form](#); each online submission will be sent immediately to the appropriate University administrator. If you have questions or concerns about how to report, you may also contact any person identified in the contact section of this Policy. Applicants for employment or admission, and other persons attempting to access Monroe's programs or activities, who believe they have been subjected to a violation of this Policy should immediately report the violation to Human Resources or the appropriate coordinator using the contact information listed in this Policy or the applicable online reporting form.

To report a complaint related specifically to sexual harassment, contact Monroe's designated Title IX Coordinator using the contact information below or follow the reporting procedure stated in the

Employee Handbook. If you are unsure how to characterize your concern, you may contact any Monroe administrator or office listed in the contact section of this Policy or use the [Title IX \(Sexual Misconduct\) Reporting Form](#) or the [Title VI \(Discrimination Based on Protected Classes\) Reporting Form](#), as applicable. The University will route the report to the appropriate administrator and procedure.

Supportive measures are offered regardless of whether a formal complaint is filed and may be implemented before, during, or after the resolution process.

Contact Information for University Offices (Where to File a Complaint)

Online Submit a report through Monroe’s online secure reporting forms: • Title IX (Sexual Misconduct) Reporting Form • Title VI (Discrimination Based on Protected Classes) Reporting Form <i>You may report with your name or anonymously; however, not including your name could lessen the University’s ability to respond to your report.</i> Directly to Coordinators Title VI Coordinator – race, color, national origin, and shared ancestry matters; the protected-class reporting form may also route other non-sex-discrimination matters to the appropriate University office. Title IX Coordinator – sex discrimination and all forms of sexual misconduct (sexual harassment) Equal Opportunity/HR – all protected classes for employees	
Function	Contact Information
Title IX Coordinator, New Rochelle Campus	Jamie Kopchynski, 914-740-6773, jkopchynski@monroeu.edu , Main Hall – Student Services Office, 434 Main Street, New Rochelle, NY 10801
Title IX Coordinator, Bronx Campus	Jeannette Slim, 646-393-8547, jslim@monroeu.edu , (Student Services Office) 2501 Jerome Avenue, Bronx, NY 10468
Title IX Coordinator, Online Campus & Sexual Misconduct, St. Lucia Campus	Christopher E. Barto, Vice President, Compliance & Government Relations, 914-740-6590, cbarto@monroeu.edu , 145 Huguenot Street, 3 rd Floor, New Rochelle, NY 10801
Human Resources, Equal Opportunity Officer	Kerry Wirsing, 646-393-8306, kwirsing@monroeu.edu , Huguenot Center, 145 Huguenot Street, New Rochelle, NY 10801
Senior Level Administrator and Title VI Coordinator	Christopher E. Barto, Vice President, Compliance & Government Relations, 914-740-6590, cbarto@monroeu.edu , 145 Huguenot Street, 3 rd Floor, New Rochelle, NY 10801

Employees Who Receive Reports or Complaints

All employees of Monroe University who are not confidential resources are required to report suspected or known violations of this Policy as soon as they are reasonably able. Reports

involving sexual misconduct must be made to the Title IX Coordinator. Reports involving race, color, national origin, or shared ancestry must be made to the Title VI Coordinator. Other reports of protected-class discrimination, harassment, or retaliation must be made to Human Resources or the appropriate University official identified in this Policy.

Supervisors and members of management are expected to ensure that employees comply with this Policy. Any supervisor or manager who receives a verbal or written report of a suspected violation must promptly route it as follows: reports involving sexual misconduct to the Title IX Coordinator; reports involving race, color, national origin, or shared ancestry to the Title VI Coordinator; and other reports of protected-class discrimination, harassment, or retaliation to Human Resources or the appropriate University official identified in this Policy. Supervisors and managers must not attempt to resolve the matter independently and must make the required report regardless of their personal view of the complaint's legitimacy or the Complainant's credibility.

While employees are required to report known or suspected violations of this Policy, this reporting obligation does not mean that all information shared will be disclosed broadly. The University will limit information sharing to those with a legitimate educational or administrative need to know.

VI. Disability Accommodations and Interpretive Services

The University makes every reasonable effort to accommodate individuals with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). In compliance with this commitment, Monroe employs an accessibility services and Human Resources department to determine reasonable and appropriate accommodations and auxiliary aides for access and participation in University sponsored classes, services, and programs.

Persons with a disability who desire an accommodation regarding this Policy must request an accommodation through the appropriate University office. An individual will not be considered to have a disability allowing for an accommodation unless and until the person has met with Office of Disability Services (students) or Human Resources (employees) and been noted as a person to whom accommodations should be provided. Information about disability services at Monroe University for students may be found by [clicking this link](#).

Employees with a disability should provide the required documentation to Human Resources.

Any employee or student who is Party to a complaint of sexual misconduct who is a non-native English speaker and who requires interpretive assistance should make a request to the Title IX Coordinator so an interpreter may be arranged.

VII. Free Speech and Academic Freedom

The University is committed to providing a safe, anti-harassing, and nondiscriminatory environment that protects the civil rights of individuals, and the University recognizes the protections of academic freedom in the classroom and speech, generally, in our education programs and activities.

This policy is not intended to restrict serious discussion of controversial issues in a training or academic situation. In order to prevent claims that course content is discriminatory, harassing, or

offensive, it is recommended that participants in such discussions are provided with a disclosure that the content may be controversial or cause discomfort in some individuals.

This policy is also not intended to abridge individual speech. For example, a single instance of speech is unlikely to create a hostile environment on campus; however, speech that is severe, persistent, or pervasive may rise to the level of harassment or discrimination and will be addressed under University policy. The University distinguishes between protected expression, even when it is unpopular or uncomfortable, and conduct that denies others equal access to educational programs or activities.

Accordingly, faculty, staff, and students are encouraged to engage in open dialogue, while remaining mindful of the impact of their words and actions on the learning environment. The University will continue to uphold both the principles of free expression and its responsibility to provide an environment free from discrimination and harassment.

VIII. Minors on Campus

Monroe University is committed to providing a safe and secure learning environment for minors. Faculty, staff, students, student employees, and volunteers are expected to hold themselves to the highest standards of conduct when interacting with minors.

The University requires all faculty, staff, and volunteers who, in the course of their duties, witness child abuse or neglect on campus, or who have information that would lead a reasonable person to believe that a minor on campus faces a substantial threat of such abuse or neglect, to take the following actions immediately:

1. **Call 911** if abuse is occurring now, if a child is injured (including visible bruising or complaints of pain), or if you believe there is an immediate risk of such abuse occurring in the near future (including disclosures of abuse by a family member, caregiver, coach, or other trusted adult). Also notify the **Monroe University Department of Public Safety**, Bronx Campus at 646-393-8495, New Rochelle Campus at 914-740-6854 and advise that you have contacted local police regarding a child in need of help.
2. **If there is no imminent threat**, contact the **New York Statewide Central Register of Child Abuse and Maltreatment (SCR)** at **1-800-342-3720**. This hotline is available 24 hours a day and will connect callers directly to child protective services. As an alternative, you may contact the **New York City Administration for Children's Services (ACS)** through the local non-emergency number. Also notify the **Monroe University Department of Public Safety** that you have made a report to child protective services.
3. **If in doubt as to what to do**, call the **Monroe University Department of Public Safety**: , Bronx Campus at 646-393-8495, New Rochelle Campus at 914-740-6854. Public Safety will also notify the Title IX Coordinator or other appropriate campus administrator, who will inform other University officials as appropriate.

For consultation regarding reporting obligations, or if you have questions about the process or need additional support, contact the Monroe University Department of Public Safety.

Monroe University expects parents or guardians to provide supervision over minors on campus unless the minors are participating in a University-sponsored program or activity. Parents or guardians should not leave minors unsupervised on University property. The University will follow

New York State law and the directions of law enforcement and child protective services when suspected abuse of a minor is reported.

IX. Compliance with the Federal Clery Act

Monroe University is committed to maintaining a safe and transparent environment for all students, employees, and visitors. In support of this commitment, the University complies with the Jeanne Clery Campus Safety Act (“Clery Act”), which requires institutions participating in Title IV federal financial aid programs to collect, report, and disclose information about campus safety and security policies and criminal activity. This includes publishing annual crime statistics, issuing timely warnings of potential threats, implementing educational programs to promote awareness and prevention of certain crimes, and reporting hazing incidents. In the spirit of transparency, Monroe evaluates all reports of Clery-reportable crimes occurring within its Clery-reportable geography to determine whether a Timely Warning Notice (TWN) or Emergency Notification (EN) is necessary. The University encourages all members of the campus community to promptly report incidents or threats and provides accessible information on crime statistics, safety resources, and reporting procedures, ensuring that current and prospective students and employees are informed and that Monroe maintains compliant, proactive policies and procedures.

Timely Warning Notices (TWNs)

The University will issue a TWN when a Clery-reportable crime has occurred within Clery geography and the reported conduct represents a serious or continuing threat to the campus community. TWNs will be issued by designated University officials in accordance with University policy and as described in the institution’s Annual Security Report.

Emergency Notifications (ENs)

The University will issue an EN without delay upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students, employees, or visitors. ENs may cover a broader range of incidents than TWNs, including non-Clery crimes, natural disasters, environmental hazards, and other urgent threats, and may require segmenting communications to specific campus populations when appropriate. ENs will be issued according to University emergency communication protocols.

Sexual Misconduct Reporting

In all cases involving allegations of sexual misconduct, the Title IX Coordinator will be notified.

Confidentiality and Information Sharing

The University seeks to protect the confidentiality and privacy of individuals involved in such reports. The University may share non-identifying and aggregate information when permitted or required by law, including data regarding outcomes, sanctions, and crime statistics. The University will not disclose the name or other personally identifiable information of a Complainant to the general public without the Complainant’s express consent, unless otherwise permitted or required by law.

X. Transcript Notation (New York Education Law Article 129-B)

In accordance with New York Education Law Article 129-B (§ 6444), Monroe University applies transcript notations in student cases involving conduct that constitutes a “crime of violence” under

the federal Clery Act, specifically sexual assault, dating violence, domestic violence, and stalking, as those offenses are defined by law and in this Policy and addressed under Procedure B: Title IX & Sexual Misconduct Resolution Procedure.

Transcript notations are not applied based on allegations. A notation is imposed only after the University's disciplinary process under Procedure B has concluded and a final determination of responsibility has been issued, including the exhaustion of any internal appeal rights available to the Respondent .

When a student is found responsible under Procedure B for one or more of the above-referenced offenses and is sanctioned with suspension or expulsion, the student's academic transcript will include a notation stating that the student was suspended or expelled following a finding of responsibility for a Code of Conduct violation. When a student withdraws from the University while charges alleging such conduct are pending and the disciplinary process is not completed, the transcript will reflect that the student withdrew with conduct charges pending.

Transcript notations associated with expulsion are permanent and are not eligible for removal. In cases resulting in suspension, a student may submit a written request for removal of the notation no sooner than one year after the conclusion of the suspension, consistent with University procedures and applicable law. If a disciplinary determination is later vacated or overturned through appeal or other institutional action, any corresponding transcript notation will be removed.

XI. External Rights & Complaint Agencies

In addition to internal reporting and resolution, individuals who believe they have experienced discrimination or harassment may file a complaint with governmental civil-rights enforcement agencies. Depending on the nature of the allegation, relevant agencies include the New York State Division of Human Rights (NYSDHR), the U.S. Equal Employment Opportunity Commission (EEOC), and the U.S. Department of Education Office for Civil Rights (ED-OCR). Contact information for each follows below.

New York State Division of Human Rights (NYSDHR)

- Address: One Fordham Plaza, 4th Floor, Bronx, NY 10458
- Toll-free phone: 1-888-392-3644
- TTY: 718-741-8300
- General email/contact: info@dhr.ny.gov

U.S. Equal Employment Opportunity Commission (EEOC) — New York District Office

- Address: 33 Whitehall Street, 5th Floor, New York, NY 10004
- Phone: 1-800-669-4000
- TTY: 1-800-669-6820
- ASL Video Phone (for sign-language users): 844-234-5122
- Website: [eeoc.gov](https://www.eeoc.gov) for filing charges or scheduling appointment.

U.S Department of Education, Office for Civil Rights (OCR) Contact Information (National & New York / Region II)

Office / Role	Address / Contact Info
OCR Headquarters (all issues, national scope)	U.S. Department of Education – Office for Civil Rights 400 Maryland Avenue, SW Washington, DC 20202-1100
Phone (Toll-free)	1-800-421-3481
OCR HQ TDD	877-521-2172
Email (for complaints/general inquiries)	OCR@ed.gov
Fax (if needed)	202-453-6012
Enforcement Office for New York / Region II <i>*Due to the closing of many regional OCR offices, if you are unable to reach someone at the NY office, please contact the Headquarters office.</i>	U.S. Department of Education – Office for Civil Rights, Region II Enforcement Office 32 Old Slip, 26th Floor New York, NY 10005-2500

Procedure A: General Discrimination Resolution Procedure

(All protected-class discrimination and harassment except sexual misconduct addressed under Procedure B)

I. Introduction & Scope

Procedure A establishes the process for reporting, responding to, and resolving complaints of discrimination and harassment involving the protected class(es). The substantive standard applied to each allegation will depend on applicable law and may include intentional discrimination, discriminatory harassment, retaliation, failure to accommodate, or, for covered employment practices under New York law, disparate impact. Disparate impact is not a standalone basis for a federal Title VI violation.

This procedure applies to:

- All students;
- All employees (faculty, staff, administrators, and student workers);
- Third parties participating in or accessing University programs;
- Conduct occurring on University property, at University-sponsored events, and off-campus conduct that has a University nexus or creates a hostile environment within the University's educational or working programs.

Complaints involving sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, sex-based hostile-environment harassment, or quid pro quo

harassment, are addressed under Procedure B: Title IX and Sexual Misconduct Resolution Procedure. Other sex-discrimination allegations that do not involve sexual misconduct will be assigned to the procedure and substantive standard required by applicable law.

II. Rights of the Parties

Both Complainants and Respondents have the right to:

- A fair, impartial, and timely process;
- Supportive measures as reasonably available. Supportive measures may be offered regardless of whether a formal complaint is filed and may be implemented before, during, or after the resolution process;
- Written notice of allegations;
- An opportunity to be heard;
- Freedom from retaliation;
- Notice of the outcome and any remedies or sanctions;
- Access to external reporting options.

III. Initial Assessment

Upon receiving a report, the Title VI Coordinator, Equal Opportunity Officer, Human Resources, or another administrator assigned under this Policy will conduct the initial assessment described below.

1. **Acknowledge receipt of the complaint** and meet with the Complainant to explain supportive measures and applicable processes.
2. **Conduct a jurisdictional assessment**, determining whether the allegations fall within this Procedure or should be referred to another process (e.g., Procedure B: Title IX and Sexual Misconduct Procedure).
3. **Evaluate immediate safety or risk concerns and coordinate interim measures as needed.**
4. **Offer supportive measures**, even if no Formal Complaint is filed.

As part of the jurisdictional assessment, the assigned administrator will identify the legal and Policy theory or theories potentially applicable to each allegation, including whether the matter alleges intentional discrimination, discriminatory harassment, retaliation, a failure to accommodate, or an employment practice subject to a disparate-impact standard under applicable New York law. A disproportionate outcome, standing alone, will not be treated as a violation of federal Title VI.

IV. Informal Resolution (Optional)

With the voluntary, written consent of both parties, the University may offer informal resolution options such as facilitated dialogue, coaching, corrective action, or other remedies designed to restore equal access.

Informal resolution may not be used where coercion or safety risks exist or where the University determines that informal resolution is not appropriate based on the severity or nature of the allegations. Informal resolution is voluntary and will not be used where it is prohibited by law or policy, or where the University determines that the nature of the allegations makes informal resolution inappropriate.

Either Party may end informal resolution at any time and return to the formal process.

The University will not require participation in informal resolution as a condition of access to supportive measures, continued enrollment, or employment.

V. Filing a Formal Complaint

A Formal Complaint under Procedure A may be filed by the Complainant or signed by the Equal Opportunity Officer, Human Resources, the Title VI Coordinator, or another administrator with jurisdiction when necessary to satisfy the University's institutional or legal obligations. A Formal Complaint should include the identities of the parties, a description of the alleged conduct, relevant dates and locations, and any available supporting information.

The University will provide written notice to the Respondent.

The University reserves the right to sign a Formal Complaint and initiate this procedure with a noncooperative or nonparticipating Complainant when the University feels as though not proceeding could allow the continuation of a potentially hostile environment. In such cases, the University does not become the Complainant and the Complainant with standing will receive all due process as identified in this procedure.

VI. Formal Investigation Process

- 1. Assignment of Investigator**

A trained, neutral investigator will be appointed. The institution has a right to outsource investigations to external consultants.

- 2. Fact-Gathering**

The investigator will interview parties and witnesses, gather documents, communications, and other relevant information.

- 3. Investigative Report**

The investigator will prepare a report summarizing the facts and evidence without making findings.

VII. Determination & Outcome

A trained Decision-Maker (not the investigator) will:

1. Review the investigative report;

2. Identify and apply the substantive standard governing each allegation, including any intent requirement or any applicable New York employment disparate-impact framework;
3. Apply the preponderance of the evidence standard;
4. Determine whether University policy was violated; and
5. Issue a written decision to the Complainant and Respondent that includes findings, sanctions if applicable, and remedies.

Sanctions may include educational remedies, warnings, probation, suspension, termination, or removal from programs. Remedies may include supportive measures, accommodations, no-contact orders, and other measures.

VIII. Appeals

Either Party may request an appeal of the outcome on one or more of the following grounds:

1. **Procedural Error:** A material procedural error occurred that substantially affected the outcome.
2. **New Evidence:** New evidence has arisen that was not reasonably available at the time of the initial determination and that could materially affect the outcome.
3. **Conflict of Interest or Bias:** A conflict of interest or demonstrated bias on the part of a University official involved in the resolution process that substantially impacted the outcome.

Timeframe for Appeal

A Party must submit a written appeal within five (5) business days from the date of receipt of the written outcome letter.

How to Submit an Appeal

Appeals must be submitted by email to the Equal Opportunity Officer/Human Resources/Title VI Coordinator (as appropriate based on the type of claim) or the administrator assigned to the complaint, as identified in the outcome letter.

The appeal request must:

- Clearly identify the specific appeal ground(s) being asserted; and
- Provide a concise explanation supporting the rationale for the appeal.

Appeal Review

An Appeal Officer, a Decision Maker who was not involved in the original determination and has no conflict of interest or bias, will review the appeal. The Appeal Officer will determine whether the

appeal meets one or more of the stated grounds and whether further action is warranted. Appeals that do not state at least one of the permitted grounds will be dismissed without further review.

Timeline

If accepted, the Appeal Officer will issue a written decision within ten (10) business days of accepting the appeal.

Effect of an Appeal

If an appeal is filed, the original decision remains in effect unless modified on appeal.

Final Decision

The appeal decision is final.

IX. Retaliation Prohibited

Retaliation against any individual for reporting discrimination, participating in a process, or exercising their rights is strictly prohibited under University policy, Title VI, Title VII, ADA, Section 504, and the New York State Human Rights Law.

Intentionally False Reports

Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action up to and including termination or expulsion. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

Procedure B: Title IX & Sexual Misconduct Resolution Procedure

(Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Quid Pro Quo Harassment, and Sex-Based Hostile Environment)

I. Introduction and Scope

Procedure B governs the University's response to allegations of sexual harassment, including allegations of sexual assault, dating violence, domestic violence, stalking, sex-based hostile environment harassment, and quid pro quo sexual harassment.

There are two sets of processes noted within this procedure.

- The Title IX Resolution Process will be used for every complaint that satisfies the applicable Title IX definition and jurisdictional requirements. If such a complaint proceeds to formal resolution, it may proceed only through the Title IX Resolution Process; the Non-Title IX Resolution Process is not an alternative, substitute, or parallel process for that complaint.
- The Non-Title IX Resolution Process will be used only for sexual-misconduct complaints that do not satisfy the applicable Title IX definition or jurisdictional requirements but may be addressed under another applicable law or University policy. It will not be used in lieu of the Title IX Resolution Process for a complaint that satisfies Title IX jurisdiction.

II. Notice of Allegation And Assignment to an Investigator

Upon receiving a Report or otherwise obtaining actual knowledge of possible sexual misconduct, the Title IX Coordinator will promptly contact the affected person, explain available supportive measures and reporting options, assess immediate safety concerns, and determine the University's obligations under Title IX, other applicable law, and University policy. These actions do not require a signed Formal Complaint. If a signed Formal Complaint is filed and the allegations satisfy the applicable Title IX definition and jurisdictional requirements, the University will initiate the Title IX formal grievance process and provide the notice of allegations described below.

After a signed Formal Complaint initiates the applicable Title IX formal grievance process, the Complainant and Respondent will receive written notice from the Title IX Coordinator of the allegations of sexual harassment, including sufficient details known at the time and sufficient time to prepare before any initial interview. The parties will receive simultaneous written notice of additional allegations, as appropriate. This formal notice requirement does not delay supportive measures, safety actions, or any response required before a Formal Complaint under Title IX, another applicable law, or University policy.

Supportive measures are offered promptly and regardless of whether a Formal Complaint is filed. The University will also assess whether safety measures or other action is required under applicable law or University policy. If a signed Formal Complaint is filed, the Title IX Coordinator will determine whether the allegations satisfy the applicable Title IX definition and jurisdictional requirements. A complaint that satisfies those requirements and proceeds to formal resolution will proceed only through the Title IX Sexual Misconduct procedures. The Non-Title IX Sexual Misconduct procedures apply only when the allegations do not satisfy the applicable Title IX definition or jurisdictional requirements but may otherwise be addressed under another law or University policy. A trained investigator will gather relevant information, and the parties will have the opportunity to review

evidence before a neutral decision-maker issues a written determination regarding responsibility and any applicable sanctions or remedies.

The Title IX Coordinator will assign one or more investigators to the case and/or will conduct the investigation personally. The parties will be provided with the name(s) of the investigator(s) and allowed five (5) business days to request the removal and replacement of an investigator based on bias or conflict of interest. Any request for a change in an investigator must be accompanied by supporting information and the decision to assign a new investigator will be made to the Title IX Coordinator.

Throughout the grievance process, the Title IX Coordinator will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of meetings, investigative interviews, and hearings, with sufficient time for the Party to prepare to participate as well as advise the Party of the opportunity to present evidence and witness information, if applicable.

III. The Sexual Misconduct Investigation Process

Timeframe

The Title IX Coordinator will seek to complete the investigation and any resulting disciplinary process, excluding appeals, within 60 business days after the University provides the written notice of allegations initiating the applicable formal grievance process. Supportive measures, safety assessments, and other legally required responses will begin promptly upon receipt of a Report or actual knowledge and will not await that formal-process start date.

There may be circumstances that require the extension of timeframes for good cause, including extension beyond 60 business days. Timeframes may be extended to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, or accommodate delays by the parties; or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the parties in writing of any extension of the timeframes for good cause, and the reason for the extension.

Although cooperation with law enforcement may require the University to temporarily suspend the fact-finding aspect of a sexual misconduct investigation, the University will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide interim measures for the Complainant .

Investigations will proceed according to the aforementioned timeframes during the summer and at other times when the University is not in session. The Title IX Coordinator will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related appeal, apply equally to both parties.

Investigation Overview

During the investigation, the parties will have an equal opportunity to be heard, to submit information and other inculpatory and exculpatory evidence, to identify witnesses including fact and expert witnesses, and to submit questions that they believe should be directed by the investigator to the other or to any witness.

Both Parties also have the right to have an Advisor of Choice be present at any meeting or event in the disciplinary process in which they are invited to be present. The Advisor of Choice cannot hold more than one role in the process, i.e., the Advisor of Choice may not also be a witness. The Advisor of Choice may be an attorney, a support person, a religious or spiritual advisor, a friend, family member, employee of the University, or anyone of the Parties choosing and they may change an Advisor at any time. A Party also has the right not to appear with an Advisor of Choice. Each Party may have only one Advisor of Choice at a time.

The investigator will notify and seek to meet separately with the parties and third-Party witnesses and will gather other relevant and available information including, without limitation, electronic or other records of communications between the parties or witnesses, photographs, and written documentation.

The University will not require, allow, rely upon, or otherwise use questions or evidence during the investigation, hearing, or determination of responsibility that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The University will not allow questions or evidence, during the investigation, hearing, or determination of responsibility, about the Complainant's sexual predisposition or prior sexual behavior as they are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The University will not restrict either Party from discussing allegations under investigation or from presenting relevant evidence.

Participation

Exclusive of the Complainant and the Respondent, the University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. The University recognizes that an individual may be reluctant to participate in the process; nevertheless, any employee witness who refuses to cooperate in an investigation may be subject to discipline. Refusal to cooperate includes delaying or failing to acknowledge requests from University officials for information and delaying or failing to make oneself available for meetings with University officials.

It is understood that there may be circumstances in which a Complainant wishes to limit their participation. The Complainant retains this right and will not be subject to discipline, although the University may be obligated to conduct an investigation and resolution.

Equally, there are numerous reasons why a Respondent may choose not to participate in the process. If a Respondent chooses not to participate in an investigation for any reason, the University process will likely continue, findings will be reached with respect to the alleged conduct, and the University will issue any sanctions, as appropriate. The University will not, however, draw any adverse inference from a Respondent's silence or stated desire to not participate.

The University will protect the privacy of the participating parties and witnesses in any proceeding, meeting, or hearing to resolve complaints.

Inspection of Evidence and the Investigative Report

Prior to completion of the investigative report, the Title IX Coordinator will send to each Party a preliminary investigative report containing the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have ten (10) business days to submit a written response, to meet again with the Investigator, and/or to request the collection of additional evidence by the investigator. The evidence subject to inspection and review includes any evidence obtained as part of the investigation that is directly related to the allegation including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source. The evidence subject to inspection and review will not contain any privileged or inadmissible information as defined in this policy.

Following the opportunity to review the preliminary investigative report, the investigator will create a final investigative report that incorporates any written responses or new information from the Parties or collected by the investigator. The final investigative report will also fairly summarize the relevant evidence. The investigator has the discretion to determine the relevance of any evidence presented.

Final Investigative Report and Pre-Hearing Review.

Following the parties' opportunity to review and respond to the directly related evidence, the Investigator will prepare a final investigative report that fairly summarizes the relevant evidence and incorporates or addresses any timely written responses or additional information received during the evidence-review period. For matters proceeding under the Title IX Grievance Procedures, the Title IX Coordinator will provide the final investigative report to each Party and the Party's Advisor of Choice, if any, in electronic format or hard copy at least ten (10) calendar days before the live hearing or other determination regarding responsibility. Any timely written response will be made available to the Decision-Maker. The final investigative report will also be provided to the Decision-Maker sufficiently in advance of the hearing. Reports will not be shared by the University with a support person who is not serving as the Party's Advisor of Choice, except as otherwise permitted or required by law.

IV. Assignment to Grievance Procedures

The Title IX Coordinator will determine, as early as reasonably practicable and before assigning a complaint to a formal grievance procedure, whether the allegations satisfy the applicable Title IX definition and jurisdictional requirements. A complaint that satisfies those requirements and proceeds to formal resolution will proceed only under the Title IX Grievance Procedures. The University will not elect to use, or permit the parties to select, the Non-Title IX Grievance

Procedures instead. A complaint may be assigned to the Non-Title IX Grievance Procedures only if it does not satisfy the applicable Title IX definition or jurisdictional requirements and may otherwise be addressed under another applicable law or University policy. If later-acquired information changes the jurisdictional determination, the Title IX Coordinator will provide written notice to the parties and apply the procedure required by applicable law.

Determination Regarding Responsibility

At the conclusion of the Investigation, the Parties will be provided with the name(s) of the Decision-Maker (s) and will be allowed five (5) business days to request the removal and replacement of a Decision-Maker based on bias or conflict of interest. Any request for a change in a Decision-Maker must be accompanied by supporting information and the decision to assign a new Decision-Maker will be made by the Title IX Coordinator.

V. Non-Title IX Grievance Procedures--Students

For Non-Title IX cases in which the Respondent is a student, the determination regarding responsibility will be made at a live hearing utilizing the procedures outlined in this section.

The parties may have an Advisor of Choice to accompany them to the hearing. The Advisor of Choice may not actively participate but may confer with their Party as is reasonably necessary. If the Advisor of Choice violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either Party, a witness, or the Decision-Maker, that Advisor of Choice may be prohibited from further participation. ****Note: for Non-Title IX Grievance Procedures, the University has no obligation to provide an advisor, but the parties may do so at their expense, if applicable.***

At least five (5) business days prior to the hearing, the parties must submit names of witnesses they would like to appear at the hearing and any relevant questions to be asked of the witnesses and the other Party. The parties may ask additional relevant questions at the hearing, but pre-submitted questions will be vetted in advance for relevancy and admissibility and ruled on during the live proceeding. Questions at the hearing are limited to those assessing credibility and relevant questions that have not previously been asked and answered in the final investigative report.

At the hearing, the Decision-Maker is responsible for maintaining an orderly, fair, impartial, and respectful hearing. The Decision-Maker has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding any offending person. The Decision-Maker will determine the method for questioning at the hearing, **but all questions posed by the Parties will be asked exclusively by the Decision-Maker.**

In the absence of good cause, as determined by the Decision-Maker, information, witnesses, and other evidence discoverable through the exercise of due diligence that is not provided to the Investigator during the investigation will not be considered at the hearing.

All hearings are closed to the public. A recording will be made by the University, but all other recordings are strictly prohibited. The University will not provide copies of the original recording without cause, including to comply with a subpoena or other lawful production order.

A Complainant , Respondent , or witness may decline to participate in the hearing. The Decision-Maker will not draw an inference about the responsibility determination based solely on a Party 's or witness's absence from the Hearing or refusal to submit to questions.

VI. Non-Title IX Grievance Procedures—Employees

For Non-Title IX cases in which the Respondent is an employee, the determination regarding responsibility will be made by the Decision-Maker based on the final investigative report (there is no live hearing.) The Decision-Maker is responsible for maintaining an orderly, fair, and impartial process. The Decision-Maker, in his or her discretion, may pose additional questions to the parties or to witnesses in writing or in person. A Complainant , Respondent , or witness may decline to further participate. The Decision-Maker will not draw an inference about the responsibility determination based solely on a Party 's or witness's refusal to submit to additional questions.

In the absence of good cause, as determined by the Decision-Maker , information, witnesses, and other evidence discoverable through the exercise of due diligence that is not provided to the Investigator during the investigation will not be considered in the decision making process.

VII. Title IX Grievance Procedures For Students And Employees

For cases that have been determined by the Title IX Coordinator to meet the threshold for Title IX Sexual Harassment as well as the Title IX jurisdictional requirements, the determination regarding responsibility will be made at a live hearing utilizing the procedures outlined in this section.

Pre-Hearing Review Period

A Title IX live hearing will not be scheduled to occur fewer than ten (10) calendar days after the final investigative report has been provided to the Parties and their Advisors of Choice, if any, unless a different period is expressly permitted by applicable law.

The parties may have an Advisor of Choice at the hearing. The advisor is responsible for conducting the cross-examination which includes asking the other Party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility. If a Party does not have an advisor, the University will appoint one on behalf of the Party free of charge. In this capacity, the advisor will be appointed for the sole purpose of conducting cross examination of the other Party and witnesses. If the advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either Party , a witness, or the Decision-Maker , that advisor may be prohibited from further participation.

At the hearing, the Decision-Maker is responsible for maintaining an orderly, fair, impartial, and respectful hearing. The Decision-Maker has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding any offending person. The Decision-Maker will determine the method for questioning at the hearing. Only relevant cross examination and other questions may be asked of a Party or witness. Before a Complainant , Respondent , or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker must explain to the Party proposing the questions any decision to exclude a question as not relevant.

In the absence of good cause, as determined by the Decision-Maker, information, witnesses, and other evidence discoverable through the exercise of due diligence that is not provided to the Investigator during the investigation will not be considered at the hearing.

All hearings are closed to the public. A recording will be made by the University, but all other recordings are prohibited.

A Complainant, Respondent, or witness may decline to participate in the hearing. The Decision-Maker will not draw an inference regarding responsibility solely from a Party's or witness's absence from the hearing or refusal to answer questions. The Decision-Maker will evaluate all admissible and relevant evidence in accordance with applicable law and this Policy.

Findings

Standard of Evidence

In all proceedings, the Decision-Maker shall use a preponderance of the evidence standard to determine whether the alleged violation of the policy occurred. The preponderance of the evidence means a standard of proof in which the totality of the evidence offered in support of a fact is greater or more convincing than the evidence which is offered in opposition to it; given the totality of information the version of events that is more likely than not. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for a policy violation (51% or greater).

Written Determination of Responsibility

The Complainant and Respondent will simultaneously receive a written determination regarding responsibility applying the preponderance of the evidence standard typically within seven (7) business days of the determination of responsibility. The written determination letter, drafted by the Decision-Maker, will include:

- The allegations constituting sexual harassment;
- A description of the procedural steps taken during the grievance process;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement, and rationale for the result of each allegation including findings, sanctions, and remedies; and
- Options for appeal.

The determination of responsibility becomes final either on notification of the results of the appeal, or the date on which an appeal would no longer be considered timely.

Intentionally False Reports

Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action up to and including termination or expulsion. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

Sanctions and Remedies

If there is a finding of responsibility based on a preponderance of the evidence, the determination of sanctions and remedies will be made by the Decision-Maker in consultation with the respective trained University Administrator.

Sanctions will be determined based on the seriousness of the misconduct and the Respondent's previous disciplinary history (if any).

Remedies are designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent .

Sanctions for Students include but are not limited to:

One or more of the following courses of action may be taken when a student has been found to have violated this policy. Possible sanctions include:

- **Written Warning:** A written notice to the student stating that his/her conduct is in violation of University regulations and that the continuation of said conduct during a stated period of time may be cause for more serious disciplinary action, such as community service, probation, or suspension.
- **Counseling and/or Training:** A requirement that a student undergo appropriate counseling and/or training in order to remain a member of the University community.
- **Restitution:** Financial reimbursement for damages to property.
- **Community Service:** A stated number of hours, set in writing, of donated service commensurate with the conduct violation.
- **'No Contact' Order:** An order from the University requiring the student to stay away from the victim for a stated period of time. Students' academic schedules may also be amended.
- **Disciplinary Probation:** A stated period of time, set in writing, during which the student is expected to demonstrate appropriate conduct as a member of the University community. Failure to demonstrate appropriate conduct may subject the student to further consequences/sanctions, such as community service and/or suspension.
- **Residence Hall Suspension:** A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from living in and/or visiting the campus residence halls. Upon the expiration of the suspension period, the student may be subjected to a probation period during which the student is expected to demonstrate appropriate conduct as a member of the College community. During residence hall suspension, a student may or may not also be concurrently suspended from classes and/or campus activities.
- **Disciplinary Suspension:** A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from classes and/or campus activities. Upon the expiration of the suspension period, the student may be subjected to a probation period during which the student is expected to demonstrate appropriate conduct as a member of the University community. When the student's punished conduct involves certain types of violence, this sanction automatically results in a Transcript Notation sanction.

- Residence Hall Expulsion: Permanent termination of privileges to live and/or visit the campus residence halls.
- Disciplinary Dismissal from the University (Expulsion): Permanent termination of status as a student of the University. When the student's punished conduct involves certain types of violence, this sanction automatically results in a Transcript Notation sanction.
- Transcript Notation: Where a student is found 'responsible' for a violation involving certain types of violence, including sexual assault, dating violence, domestic violence and stalking, and is then subjected to either suspension or expulsion from the University, the student's transcript will automatically receive a notation stating "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," as appropriate. Where a student withdraws from the University while such charges are pending, the student's transcript will receive a notation stating "Withdrew with conduct charges pending." Transcript notations regarding expulsion, withdrawal, and suspension shall be permanent.
- Other consequences and/or sanctions as deemed appropriate by the Decision-Maker in consultation with the respective trained University Administrator.

Sanctions for Employees include but are not limited to:

Any employee who engages in inappropriate conduct deemed to be sexual harassment, or who otherwise violates this policy, will be subject to disciplinary action, up to and including termination of employment. It is unlawful and against the University's policy to retaliate against an employee for making a sexual harassment complaint or for cooperating in an investigation of a sexual harassment complaint; such retaliation is also grounds for disciplinary action, up to and including termination.

Appeals

The Complainant and the Respondent have equal rights to an impartial appeal. All appeals will be referred to an Appellate Decision-Maker Panel appointed by a Senior University Administrator. The Decision-Maker Panel members for the appeal will not have served as the Investigator or Decision-Maker in the previous steps of the process.

A Complainant or Respondent may file a written appeal with the Title IX Coordinator on the grounds that:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- (C) The Title IX Coordinator, investigator(s), or Decision-Maker (s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred. The appellate Decision-Makers may decide to uphold the original decision, to alter the imposed penalty, or to return the case for additional proceedings or other action.

The deadline for filing a written appeal is five (5) business days from the date the Parties are provided the written determination of responsibility. If either Party files an appeal, the Title IX Coordinator will notify the other Party in writing and provide both parties in writing the opportunity to submit a written statement in support of or challenging the outcome. The written statement in support of or challenging the outcome by the non-appealing Party must be submitted within five (5) business days that they are told and appeal has been filed to be considered by the Appeals Panel.

The Title IX Coordinator will have primary responsibility for interactions with the Parties, for the gathering of information needed for the appeal, and for notifying both Parties in writing of the outcome of any appeal. The written decision regarding the appeal will be provided simultaneously within seven (7) business days after the conclusion of the review and will describe the results of the appeal and the rationale for each result. There is no additional level of appeal.

Emergency Removal

The University may remove a Respondent from all or part of their education program or activity on an emergency basis when, after conducting an individualized safety and risk analysis, the University determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal.

Appendix A: Students' Bill of Rights (as required by NY Education Law 129-B)

All students have the right to:

1. Make a report to local law enforcement and/or state police (notify proper law enforcement authorities, including on-campus and local police); be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and decline to notify such authorities.
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: Written Explanation of Rights and Options for Victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking (VAWA Offenses)

This document provides students and employees of Monroe University with a written explanation of their rights, options, and available resources after experiencing sexual assault, dating violence, domestic violence, or stalking, in accordance with the Clery Act (20 U.S.C. § 1092(f)).

Monroe University is committed to providing a safe, inclusive environment free from violence and discrimination. Any individual who has experienced a VAWA offense is entitled to supportive measures, fair processes, and access to campus and community resources, regardless of whether they choose to pursue a criminal or university complaint.

Category	Your Rights
How and to Whom the Alleged Offense Should be Reported	If you are the victim of sexual assault, dating violence, domestic violence, or stalking, you have the right to file a report or Formal Complaint with the institution's Title IX Coordinator. You will receive supportive measures as well as an explanation of how to file a signed Formal Complaint, which initiates the University's process as described in the attached Policy. You do not have to file a signed Formal Complaint in order to receive support from the University, but you always retain the right to. The University may have to proceed with an investigation even when a victim doesn't want to if the University decides that not responding could allow a hostile environment on campus. Report to: Using the University's online reporting form, Title IX (Sexual Misconduct) Reporting Form: https://cm.maxient.com/reportingform.php?MonroeUniv&layout_id=200 In person, via email, via telephone, by U.S. mail, or by walking in the door: Jamie Kopchynski – New Rochelle Campus, 914-740-6773, jkopchynski@monroeu.edu, Main Hall – Student Services Office, 434 Main Street, New Rochelle, NY 10801 Jeannette Slim Bronx Campus, 646-393-8547, jslim@monroeu.edu, (Student Services Office) 2501 Jerome Avenue, Bronx, NY 10468 Christopher E. Barto – Online & St. Lucia Campuses, 914-740-6590, cbarto@monroeu.edu, 145 Huguenot Street, 3rd Floor, New Rochelle, NY 10801

Involvement of Law Enforcement and Campus Authorities	You have options regarding the involvement of law enforcement authorities and campus authorities. Unless you are a minor, Monroe won't force you to speak with police. Monroe University does not release student information beyond directory information without lawful process. The University would never dissuade a victim from reporting a crime to the police nor mandate any adult report a crime in which they were the victim. <i>You have the option to:</i> <i>a) notify law enforcement authorities about what has happened to you if you would like to,</i> <i>b) to be assisted by the Title IX or Public Safety in notifying law enforcement if you would like such assistance,</i> <i>c) the option to decline to notify such authorities, i.e., Monroe officials won't call the police on your behalf unless you ask us to or there is an emergency situation where we feel the best option to ensure the safety of our campus is to call law enforcement,</i> <i>d) You have the right to make a police report. Tell the responding officer that you would like what happened to you documented in a formal police report, and</i> <i>e) Understand that reporting to police does not automatically mean that a report has been made to the University. After you make a police report, contact the Title IX Coordinator using the contact information in this document.</i> <i>The Monroe University Department of Public Safety: Bronx Campus may be reached by dialing x8495 from any Bronx campus telephone or by dialing 646-393-8495. New Rochelle Campus may be reached by dialing x6854 from any New Rochelle campus telephone or by dialing 914-740-6854.</i> <i>Law enforcement agencies contact information is within this document. Our non-law enforcement Public Safety officers can always help you determine which agency you should contact. You may always reach out to our Public Safety officers help and support! Persons who wish to report crimes or other incidents can contact the police department of jurisdiction by calling 9-1-1 or using the contact information in this document.</i> 1-You may always go to the hospital and seek medical assistance and ask hospital staff to call the police. 2-When the police respond, they will want to ask you specific questions about what happened to you. You can tell them as much or as little as you would like, but providing as much detail about what happened to you ensures they can investigate the complaint fully. 3-You can ask for a copy of your police report when you have finished making the complaint. Depending on what police department you report to, you may have to obtain the police report after the officer has put the report on file. 4-Bring a copy of your police report to the Title IX Coordinator. Title IX will provide you with support and services, including helping you understand your rights and options.
Rights to Supportive Measures	Monroe University is obligated to comply with a victim's reasonable request for academic, living, transportation, and working situations or protective measures following the report of a VAWA offense. The University will provide reasonably available accommodations or protective measures regardless of whether the victim chooses to report the crime to local law enforcement. A victim can request these accommodations and protective measures by contacting the Title IX Coordinator. The Title IX Coordinator, often times in conjunction with Human Resources or Student Services, if applicable, will determine what measures to take. Ultimately, the decision on these measures will be made by the Title IX Coordinator. The reported conduct does not need to occur on University property in order for you to receive changes to or assistance in academic, transportation, living, and working situations or protective measures.

Confidentiality of Victims	Additionally, the University protects the confidentiality of all victims, even if the victim does not specifically request us to do so. A victim's name will never be published in any available public record nor disclosed in an institutional timely warning notice or emergency notification. Monroe may have to disclose the victim's name for purposes of implementing an accommodation but will not exceed the scope of releasing only what information is necessary to achieve the accommodation or protective measure.
Procedures Victims Should Follow and Preservation of Evidence	Preservation of evidence: You may opt to have evidence collected from your body, if applicable, but should also save any other evidence that may be associated with your victimization so it can be used by police, to obtain a protective order, and in school proceedings, if applicable. In the State of NY, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, urinate, douche, brush your teeth, smoke, change clothing or clean the bed/linen/or other area where they were assaulted if the offense occurred within the past 120 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. <u>EVEN IF YOU HAVE SOME TIME HAS PASSED, YOU MAY STILL BE ABLE TO HAVE EVIDENCE COLLECTED.</u> Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs and/or other copies of documents, if they have any, that would be useful to University administrators/investigators or police. Although the University strongly encourages all members of its community to report acts of violence to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The Title IX Coordinator and/or Public Safety (non-law enforcement on campus) will assist any victim with notifying local police if they so desire. Information about how to contact local police may also be located in this document under "Off Campus Resources." As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with local law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date. <u>*If you need help and are not sure if you would like to report or are not sure where to go to get forensic services or other help, contact the National Sexual Assault Hotline.</u> The Violence Hotline is a 24/7 confidential resource providing advocacy and support for survivors of sexual violence across the United States of America. Staffed by trained advocates, the helpline provides: • Confidential emotional support • Crisis Response • Information about options and local resources available to survivors and co-survivors, or their friends and family. A crucial component of the helpline's advocacy efforts is to listen to and empower survivors with information and options throughout the healing process. The Hotline aims to ensure that no matter where in the USA a survivor is located, they will have 24-hour access to support and links to resources and options in their local community. You may also call 9-1-1 and ask for the nearest Hospital with Forensic Nurses so that you may receive care or proceed to the nearest emergency room and tell them you need evidence recovered from your body due to sexual violence or dating/domestic assault/trafficking. The emergency room will help you by either performing that service within their facility or by directing you to the closest facility with SANE/FNE services. National Domestic Violence Helpline- https://www.thehotline.org/ RAINN: National Sexual Assault Hotline: Confidential 24/7 support: 1-800-656-4673, CHAT ONLINE online.rainn.org Love is Respect (dating violence): 866-331-9474

	National Human Trafficking Hotline: 888-373-7888 National Center for Missing and Exploited Children: Telephone hotline: 800.THE.LOST (843-5678) VictimConnect toll free helpline at 855-484-2846
Orders of Protection	You have the right to seek an order of protection, restraining order, or other order applicable in your jurisdiction. If you obtain an order, please provide a copy to the Title IX Coordinator using the contact information in this document. The Title IX Coordinator will help coordinate a safety plan while you are on campus to uphold the order as well as to provide measures on campus to help keep you safe. You may also request a no contact directive directly from the University. It is not a judicial order but is a school directive whereby a violation could result in conduct sanctions. You have rights and options. Speaking with the Title IX Coordinator always ensures that if you have an order, we can be aware and support you on campus. Below is information on protective orders, restraining orders, and other lawful orders you can obtain through the State of NY. See the Title IX Coordinator for a school no-contact directive. An Order of Protection (sometimes called a restraining order) is a legal court order that requires someone (the respondent) to stop certain behaviors and stay away from you (the protected person). It can help keep you safe from: • Harassment, threats, stalking, following, or monitoring • Physical, emotional, or sexual violence • Unwanted contact by phone, text, social media, email, or in person • Approaching your home, job, school, or other places you frequent • Orders of protection are enforceable by law — violating one is a crime and police can arrest the respondent. <u>Types of Protective Orders</u> There are different forms depending on your situation: • Full Order of Protection • The respondent must stay completely away from you — your home, workplace, school, etc. • Limited Order of Protection • The respondent may have limited, specified contact, but must not harass, threaten, or harm you. Some orders are temporary (short-term until a hearing), and others can become final orders with longer duration after a court hearing. <u>How to Get an Order of Protection for Sexual Assault, Stalking, Dating/Domestic Violence:</u> Family Court (Civil Protection) 1. Go to your local Family Court and ask for help filing a Family Offense Petition describing the incidents. 2. A judge may issue a temporary order the same day. 3. The respondent must be served with the papers (by police, sheriff, or someone over 18 who is not you). 4. A hearing is scheduled where both sides can appear.

	Tip: You do <i>not</i> need a lawyer to file, and there is no filing fee. If you cannot afford a lawyer, Family Court may appoint one for you. Criminal Court Protection • If the person has been arrested and charged, an order can be issued as part of that criminal case, often immediately at arraignment. After Hours / Emergency • If Family Court is closed (nights, weekends, holidays), you can go to Criminal Court to ask for emergency protection. Safety Planning & Support Along with legal protection, you can also: • Contact the New York State Domestic and Sexual Violence Hotline at 1-800-942-6906 (24/7, multiple languages) • Work with victim advocacy programs through the District Attorney or local agencies who can help with safety planning, support at court, and referrals. Domestic Violence There are many ways to protect yourself from Domestic Violence and many free and private resources to help you. One option is to ask the court for an order that protects you from your abuser. This is called an “Order of Protection.” If you want to ask the court for an Order to protect you from domestic violence, it is best to get help from a domestic violence advocate who knows the process and can support you through all the steps and help you stay safe. Visit Domestic Violence Resources first to find help. Domestic Violence Resources Read about free and private resources to help you whether you are ready to go to court or not. Learn how a domestic violence advocate can help and where to find one near you. Learn about what different courts can do to protect you from your abuser. An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address safety issues, including domestic violence. Whether your case is considered domestic violence depends on your relationship with the person who is abusing you. This relationship is called an “intimate partner.” Learn more at Domestic Violence Basics. An order of protection can order someone not to injure, threaten or harass you, your family, or any other people listed in the order. For example, it can order someone to: • stay away from you and others • have no contact • move out of your home • follow custody orders • pay child support • give up guns <u>Different Courts that Issue Domestic Violence Orders of Protection, including stopping Stalking Behavior by an Intimate Partner</u> You can get an order of protection from a Family Court, a court that hears criminal cases and a Supreme Court. Family Court. The Family Court issues orders of protection as part of a civil, non-criminal, case. You start the case by filing a Family Offense Petition. The goal is to provide relief in an attempt to end the violence.
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	Criminal. The goal of the criminal case is to prosecute and provide punishment if there is a conviction. The defendant is prosecuted by the State of New York (District Attorney) for crimes committed against you. Your case may be sent to a special Domestic Violence Court. Supreme Court. The Supreme Court can issue orders of protection during a divorce case. You ask the court for an order of protection during the divorce case by making a Motion or Order to Show Cause. You can also ask the Judge on your court date. The judge decides whether to issue the order of protection and what terms and conditions will be included in the order. You can get both family and criminal orders of protection at the same time. If this happens, your case may be sent to a special court called the Integrated Domestic Violence Court. Note: Note: Sometimes the decision to use a criminal court will be made without you. The is can happen if the police respond to an incident and arrest the abuser. Read more about the Difference Between Criminal and Family Orders of Protection. Extreme Risk Protection Orders Extreme Risk Protection Orders (ERPO) keep guns away from people who are at a high risk of using them to hurt other people or themselves. Extreme Risk Protection Orders Extreme Risk Protection Orders (ERPO) keep guns away from people who are at a high risk of using them to hurt other people or themselves. About Extreme Risk Protection Orders (ERPO) Learn what an ERPO can and can't do and who can petition the court for one. Basics Steps in an Extreme Risk Protection Order Case (ERPO) Get an overview of what happens during and after ERPO cases. Applying for an Extreme Risk Protection Order (ERPO) Learn how to apply for an ERPO and how to fill out the application for one.
Procedures for Disciplinary Action	University Disciplinary Procedures Monroe University provides a fair, impartial, and prompt process for addressing reports of sexual assault, dating violence, domestic violence, stalking, and other prohibited conduct. The University's procedures are designed to protect safety, ensure due process, and maintain equal access to education and employment. Process From Report to Resolution Any individual may report an incident to the University, with or without their name. A report does not require the individual to pursue disciplinary action. Upon receiving a report, the University will promptly contact the reporting party to explain available rights, options, and supportive measures. Supportive measures are offered immediately and regardless of whether a Formal Complaint is filed. If a Formal Complaint is submitted, the University will determine whether the matter proceeds under Title IX Sexual Misconduct procedures or Non-Title IX Sexual Misconduct procedures. A trained investigator is assigned to gather information from the parties and witnesses and to collect relevant evidence. The parties are given the opportunity to review evidence before a determination is made. A neutral decision-maker issues a written determination regarding responsibility and any applicable sanctions or remedies. Standard of Evidence

	The University uses the preponderance of the evidence standard in all discrimination and harassment proceedings. This means a determination is based on whether it is more likely than not that the alleged conduct occurred. Possible Sanctions and Protective Measures Supportive measures may include no-contact directives, academic or work accommodations, schedule or housing modifications, safety planning, and referrals to counseling or medical services. These measures are non-disciplinary and non-punitive. If a Respondent is found responsible, disciplinary sanctions may be imposed. For students, sanctions may range from: • Written Warning: A written notice to the student stating that his/her conduct is in violation of University regulations and that the continuation of said conduct during a stated period of time may be cause for more serious disciplinary action, such as community service, probation, or suspension. • Counseling and/or Training: A requirement that a student undergo appropriate counseling and/or training in order to remain a member of the University community. • Restitution: Financial reimbursement for damages to property. • Community Service: A stated number of hours, set in writing, of donated service commensurate with the conduct violation. • ‘No Contact’ Order: An order from the University requiring the student to stay away from the victim for a stated period of time. Students’ academic schedules may also be amended. • Disciplinary Probation: A stated period of time, set in writing, during which the student is expected to demonstrate appropriate conduct as a member of the University community. Failure to demonstrate appropriate conduct may subject the student to further consequences/sanctions, such as community service and/or suspension. • Residence Hall Suspension: A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from living in and/or visiting the campus residence halls. Upon the expiration of the suspension period, the student may be subjected to a probation period during which the student is expected to demonstrate appropriate conduct as a member of the College community. During residence hall suspension, a student may or may not also be concurrently suspended from classes and/or campus activities. • Disciplinary Suspension: A stated period of time, set in writing and not to exceed one academic year, during which the student is excluded from classes and/or campus activities. Upon the expiration of the suspension period, the student may be subjected to a probation period during which the student is expected to demonstrate appropriate conduct as a member of the University community. When the student’s punished conduct involves certain types of violence, this sanction automatically results in a Transcript Notation sanction. • Residence Hall Expulsion: Permanent termination of privileges to live and/or visit the campus residence halls. • Disciplinary Dismissal from the University (Expulsion): Permanent termination of status as a student of the University. When the student’s punished conduct involves certain types of violence, this sanction automatically results in a Transcript Notation sanction. • Transcript Notation: Where a student is found ‘responsible’ for a violation
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	involving certain types of violence, including sexual assault, dating violence, domestic violence and stalking, and is then subjected to either suspension or expulsion from the University, the student's transcript will automatically receive a notation stating "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," as appropriate. Where a student withdraws from the University while such charges are pending, the student's transcript will receive a notation stating "Withdrew with conduct charges pending." Transcript notations regarding expulsion, withdrawal, and suspension shall be permanent. • Other consequences and/or sanctions as deemed appropriate by the Decision-Maker in consultation with the respective trained University Administrator. For employees, sanctions may include corrective action up to and including termination. Any employee who engages in inappropriate conduct deemed to be sexual harassment, or who otherwise violates this policy, will be subject to disciplinary action, up to and including termination of employment. It is unlawful and against the University's policy to retaliate against an employee for making a sexual harassment complaint or for cooperating in an investigation of a sexual harassment complaint; such retaliation is also grounds for disciplinary action, up to and including termination. Remedies may also be provided to restore or preserve the Complainant's access to University programs or activities. Support Persons and Advisors Both parties may be accompanied by an Advisor of Choice throughout the process, including a friend, support person, or attorney. Advisors provide support and guidance but do not generally speak on behalf of the party. In Title IX hearings, advisors conduct cross-examination; if a party does not have an advisor, the University will provide one at no cost. Timelines The University seeks to complete investigations and resolution processes in a prompt and equitable manner. Timeframes may vary based on case complexity, availability of parties or witnesses, or academic calendar considerations. Parties will receive written notice of key steps, outcomes, and any delays. Supportive measures remain available throughout the process.
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ON-CAMPUS Resource Type	Type of Services Available	Service Provider	Contact Information
Counseling	Students: Personal Counseling & Psychological Services	Monroe's Health and Wellness Office	646-413-3539
Health	N/A	N/A	N/A
Mental Health	Students: Psychological Services	Monroe's Health and Wellness Office	646-413-3539
Victim Assistance	Students: Support and Referrals	Monroe's Title IX Coordinators	Bronx: 646-393-8547 New Rochelle: 914-740-6773
Legal Assistance	N/A	N/A	N/A
Visa & Immigration Assistance	Students: Maintaining Status, CPT Assistance	Monroe's International Student Services Office	914-740-6464
Financial Aid	Students: Financial Aid Counseling and Application Assistance	Monroe's Office of Financial Aid	Bronx: 646-393-8400 New Rochelle: 914-740-6849

OFF-CAMPUS Resource Type	Type of Services Available	Service Provider	Contact Information
Counseling	Trauma-Informed Counseling Services	Safe Horizon	1-800-621-HOPE (4673)
Health	Health Services	<u>Students:</u> Mt. Sinai Adolescent Health Center (up to age 26) <u>Employees:</u> Cigna Health	212-423-3000 800-244-6224
Mental Health	Services for all forms of Stress, Trauma, Depression and Anxiety	NYC 988 & NYS Be Well Programs	Call or Text 988
Victim Assistance	Victim Advocacy & Support Services	-Kingsbridge Heights Community Center -Westchester Community Opportunity Program (WestCOP)	718-884-0700 x100 855-827-2255 / 914-345-3111
Legal Assistance	Assistance with Orders of Protection and Filing Criminal Charges	-NYS Domestic and Sexual Violence Prevention -Bronx DA's Office, Crime Victims Assistance Unit	Hotline: 1-800-942-6906 718-590-2114
Visa & Immigration Assistance	Legal Immigration Advice & Counsel	Jesse Ruhl, Attorney SEVIS Education & Consulting, LLC	215-300-1507
Financial Aid	Students: Federal Financial Aid Info	U.S. Department of Education	800-433-3243
Other Helpful Resources	Students: NY Financial Aid Info	NY State Higher Education Services Corporation	888-697-4372 https://www.hesc.ny.gov/about/contact-us

Appendix C: Reporting Form (Mail In/Hand Deliver to HR, Title IX, or Title VI Coordinator)

Monroe University Anti-Discrimination & Harassment Reporting Form

***This form is also available online in a similar format and may be submitted electronically at one of the following links:**

[Title VI \(Discrimination Based on Protected Classes\) Reporting Form](#) or

[Title IX \(Sexual Misconduct\) Reporting Form](#)

Purpose:

This form may be used to report concerns, incidents, or complaints of discrimination or harassment based on protected characteristics under Monroe University policy. All reports are reviewed confidentially and promptly by the University's Title VI Coordinator, Title IX Coordinator, and/or Human Resources, depending on the nature of the complaint.

1. Reporter Information

(Optional — You may choose to submit this report anonymously; however, not providing your name or contact information may limit the University's ability to investigate or respond effectively to your report.)

- Name: _____
- Student ID / Employee ID: _____
- Email: _____
- Phone: _____

2. Type of Protected Class (Check all that apply)

Protected Class	Definition	Check
Race/Color	Includes skin color, ethnicity, or racial identity	☐
Sex/Gender	Includes sex, pregnancy, sexual orientation, gender identity, or gender expression	☐
Religion/Creed	Includes religious beliefs, practices, observances and expression	☐
National Origin/Immigration Status/Citizenship	Includes country of origin, citizenship, immigration status, or perceived nationality. It also includes dress and accent.	☐
Disability	Includes physical, sensory, cognitive, mental health, or neurodivergent conditions (e.g., mobility impairments, visual or hearing impairments, ADHD, autism spectrum disorders, chronic illness, mental health conditions)	☐
Marital / Partnership Status	Includes married, unmarried, domestic partnership, civil union, or similar status	☐
Age	Includes 18 or older	☐
Military/Veteran Status	Includes past, current, or perceived military service	☐

Shared Ancestry	Includes discrimination based on perceived heritage or lineage	☐
Domestic Violence Victim Status	Includes victims of domestic violence, sexual assault, or stalking	☐
A Protected Status Not Included Above (please specify):		☐
I'm not sure (Describe to the right of this box)		

3. Type of Offense (Check all that apply)

Offense Type	Definition	Check
Harassment	Unwelcome conduct creating a hostile environment	☐
Discrimination	Unequal treatment based on a protected class	☐
Domestic Violence or Dating Violence	Violence occurring in a romantic or intimate relationship	☐
Sexual Assault	Non-consensual sexual contact or behavior	
Stalking	Repeated conduct directed at you that made you feel fearful or caused you substantial emotional distress	
Retaliation	Punitive or hostile actions in response to a complaint/report	☐
Other (please describe):		☐

Employees may use this form to report a facially neutral employment policy or practice (i.e. one that is not explicitly discriminatory against any group) that they believe has an actual or predictable disproportionate effect on a protected class. The reporter does not need to identify the legal theory or determine whether federal, state, or local law applies; the University will identify the governing standard during its initial assessment.

4. Incident Details

- Date(s) of Incident: _____
- Time(s) of Incident: _____
- Location(s) of Incident: _____

5. Involved Parties

Role	Name (if known)	Contact Info (if known)	Relationship to Reporter
Respondent / Alleged Offender			
Witness			

Witness			
Other			

6. Evidence / Documentation

Please list any supporting evidence (e.g., emails, texts, photos, screenshots, recordings, social media posts):

7. Free-Text Description of Incident

Please describe what happened in as much detail as possible, including context, statements, behaviors, and your experience of the incident (you may attach additional sheets of paper if necessary):

8. Reporting & Follow-Up Preferences

Would you like someone from the University to contact you about this report? ☐ Yes ☐ No

Preferred contact method:

☐ Email _____

☐ Phone _____

☐ In-Person (in our office or via ZOOM/Teams Meeting)

Submission Instructions:

Mail or Hand Deliver this completed form to:

Christopher Barto, Vice President, Compliance & Government Relations & Title VI Coordinator
145 Huguenot Street, 3rd Floor,
New Rochelle, NY 10801

****You may also submit via secure email to: cbarto@monroeu.edu***

Confidentiality Notice:

Reports are handled in accordance with Monroe University policies. Providing identifying information may assist in the investigation, but anonymous reports are also accepted although they may limit the University's ability to fully respond to a report. Retaliation against anyone reporting discrimination or harassment is strictly prohibited.

Appendix D: Scenarios

The following scenarios are meant to help illustrate some applications of this Policy and are in no particular order:

Scenario 1) Sex Discrimination Involving Pregnancy

Scenario:

Maria, a senior in the College of Business, informs her professor and the Office of Student Affairs that she is pregnant and will need a reduced course load and flexible deadlines near the end of the semester due to medical advice. Her professor responds by publicly announcing in class that “pregnancy is not a valid reason to adjust academic requirements” and repeatedly denies every accommodation request without engaging in any discussion, even though Monroe University has pregnancy accommodation guidelines. As a result, Maria’s grades begin to suffer, and she feels anxious attending class.

Why This Could Violate Policy:

Denying reasonable accommodations and treating Maria less favorably because of pregnancy can constitute sex discrimination under the policy definition, which prohibits treating individuals less favorably due to protected characteristics like pregnancy. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure.**

Scenario 2) Shared Ancestry Discriminatory Harassment

Scenario:

Several students start circulating memes on social media targeting members of the Somali Student Association on campus. The posts include stereotypical and offensive depictions based on perceived shared ancestry and ethnicity, suggesting they are “outsiders who don’t belong.” Multiple members of the association are tagged, and several express fear walking across campus. A resident assistant sees the posts but takes no action.

Why This Could Violate Policy:

This conduct involves unwelcome speech and social media activity that denigrates students on the basis of perceived shared ancestry/ethnicity, creating a hostile environment and thus potentially discriminatory harassment. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure.**

Scenario 3) Disability Discrimination

Scenario:

Jake, a student with a documented visual impairment, requests that all course materials be provided in accessible electronic formats. A faculty member ignores multiple requests and continues to post only scanned PDF files that cannot be read by screen-reader software. When Jake reminds the professor, the faculty member says, “I don’t have time for that.”

Why This Could Violate Policy:

Failing to provide reasonable accommodations and effectively excluding Jake from equal access to educational materials may be treated as disability discrimination, interfering with his participation

in academic programs. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.

Scenario 4) Title IX — Sexual Assault-Rape

Scenario:

After a Party, Luisa reports to Monroe's Title IX Coordinator that another student sexually assaulted her in her on-campus residence hall room. She reports that she was "ok making out" with the offending student, but that he got "really pushy" and "wouldn't stop and wouldn't take no to sex as an answer." She stated that he put his penis in her mouth without her consent and that she froze and didn't know what to do.

Why This Could Violate Policy:

This conduct involves nonconsensual sexual penetration of the Complainant's mouth with the Respondent's sex organ, which constitutes sexual assault-rape under the policy. Any sexual contact or penetration of a person without affirmative consent constitutes sexual assault-rape, which is a form of sexual harassment. Because this act is reported to have occurred on campus and both the Complainant and Respondent are members of the Monroe community, the complaint would be resolved using **Procedure B: Title IX and Sexual Misconduct Resolution Procedure**.

Scenario 5) Race and Sex Harassment

Scenario:

During seminar discussions, a student repeatedly directs racially charged comments at another student of a different race, saying things like "people of your race just aren't cut out for this subject," and follows this with sexually explicit jokes about them. The target feels intimidated in class and stops participating.

Why This Could Violate Policy:

Combined verbal comments targeting both race and sex can create a hostile learning environment and violate the discriminatory harassment provisions of the policy. The race complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure** and the sexually explicit speech would be resolved using one of the procedures that rests in **Procedure B**.

Scenario 6) National Origin Discrimination

Scenario:

A group of students mock a classmate's accent and repeatedly imitate it during lectures. They also begin a group chat where they joke that "only Americans should be in leadership roles" in campus organizations and exclude the classmate from informal study sessions. The classmate reports feeling isolated and unable to engage academically.

Why This Could Violate Policy:

Mocking someone's accent and excluding them from academic activities based on national origin/perceived nationality can unreasonably interfere with their ability to benefit from university programs and create a hostile environment, meeting the policy's definition of discriminatory harassment. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.

Scenario 7) Harassment of a Trans Employee by a Student

Scenario:

Alex Morgan, a transgender staff member who works at the Monroe University Library circulation desk, reports ongoing harassment from a student who frequents the library in the evenings. Alex states that the student repeatedly misgenders them even after being corrected, makes comments such as “I don’t know what you are,” and has laughed with friends while referring to Alex with derogatory terms.

One evening, the student approaches the desk and says, “People like you shouldn’t be working around students,” while recording the interaction on their phone. Alex feels unsafe and distressed, begins avoiding certain shifts, and experiences anxiety coming to work. They report the behavior to their supervisor, who escalates the matter to the Title IX Coordinator.

Why This Could Violate Policy:

Targeting a staff member based on their gender identity and repeatedly engaging in degrading, harassing behavior can constitute gender-based discriminatory harassment. Recording the employee while making hostile comments may exacerbate the severity of the conduct and contribute to a hostile working environment. Because this act is reported to have occurred on campus and both the Complainant and Respondent are members of the Monroe community, the complaint would be resolved using **Procedure B-Title IX Sexual Harassment Resolution Procedure**.

Scenario 8) Anti-Semitism Directed at a Staff Member by a Student

Scenario:

Rachel Levy, a Jewish staff member who works in Monroe University’s Student Accounts Office, reports repeated incidents involving a particular student who becomes hostile whenever discussing billing issues. During one visit, the student notices Rachel’s Star of David necklace and remarks, “Of course they’d put someone like you in charge of money.”

On another occasion, when Rachel explains a standard late-payment policy, the student mutters, “Figures—you people always try to squeeze every dollar.” The student later sends an email complaining about Rachel and includes a meme with anti-Semitic stereotypes. Rachel feels targeted and unsafe, especially because the student frequently appears agitated and raises his voice when interacting with her.

Rachel informs her supervisor, explaining that she now dreads coming to work and avoids direct interactions with the student. The supervisor forwards the concern to the Title VI Coordinator for review.

Why This Could Violate Policy:

Using anti-Semitic slurs and stereotypes toward a staff member based on shared ancestry, ethnicity, or religion may constitute discriminatory harassment and could create a hostile environment for the employee. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.

Scenario 9) Age Discrimination

Scenario:

Luis Ortega, a 58-year-old academic advisor at Monroe University, notices that a new supervisor consistently assigns the most desirable caseloads, committee work, and professional development opportunities to younger advisors with less experience. When Luis asks to participate in a new advising initiative, the supervisor responds, “This program is more suited for people who are energetic and can connect better with Gen Z. Maybe it’s time you think about winding down.”

During staff meetings, the supervisor often jokes that Luis is “old school,” “basically retired already,” or “too set in his ways to adapt.” None of these comments are directed at younger colleagues. Luis later learns that he was passed over for a leadership role because the supervisor wanted “fresh faces who aren’t stuck in outdated approaches.”

Luis begins to feel marginalized in the workplace and worried about his long-term prospects. He contacts Human Resources to report what may be age-based discrimination.

Why This Could Violate Policy:

Denying opportunities, making derogatory comments about age, and treating an employee less favorably because they are older may constitute age discrimination and contribute to a hostile work environment. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.

Scenario 10) National Origin/Immigration-Related Harassment Toward a DACA Recipient

Scenario:

Mateo Ruiz, a Monroe University sophomore and DACA recipient, is working on a group project in his Political Science class. During a disagreement about the division of tasks, one student becomes confrontational and says, “Keep pushing me and I’ll call ICE...You shouldn’t even be here anyway.”

The comment shocks Mateo, who quietly leaves the study room. Later in the week, the same student repeats similar remarks in class, loudly saying, “Some people in this class should be more worried about getting deported than their grades.” Several classmates witness the statements and report feeling uncomfortable. Mateo begins skipping the class and avoids certain campus spaces out of fear the student might escalate the threats.

Mateo eventually discloses the incidents to his academic advisor, who reports the incidents to the Title VI Coordinator.

Why This Could Violate Policy:

Threatening to contact immigration authorities and targeting a student based on their immigration status, national origin, or perceived nationality may constitute discriminatory harassment and can create a hostile environment. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.

Scenario 11) Student Reports Faculty Member’s Social Media Posts Targeting Jewish People

Scenario:

A student in the International Studies program comes across public posts on a faculty member's personal Twitter/X account. In several posts, the faculty member writes inflammatory statements about "Zionists," including one that says the world would be "better off if they were wiped out." Another tweet states that students who support Israel "don't deserve to be part of the human community."

The student, who identifies as Jewish, reports feeling frightened and unsafe knowing the faculty member teaches courses that discuss global politics and routinely interacts with Jewish students. The student fears academic retaliation or biased treatment in class due to the professor's rhetoric. Other students express concern that the faculty member's posts appear to endorse violence against members of a protected class.

The student reports the posts to the Title VI Coordinator, which opens a preliminary review to determine whether the conduct may constitute discrimination, harassment, or other policy violations.

Why This Could Violate Policy:

Public statements appearing to endorse violence or genocide against Jewish individuals or those perceived as Jewish may constitute discriminatory harassment based on religion and ethnicity, (shared ancestry). Such conduct, especially by a faculty member in a position of authority, may also contribute to a hostile educational environment for students. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.

Scenario 12) Discrimination Involving a Neurodivergent Student

Scenario:

Jordan Lee, a neurodivergent student diagnosed with ADHD and autism spectrum disorder, receives approved academic accommodations through Monroe University's Disability Services Office. These include extended time on tests and access to a distraction-reduced testing room.

A professor repeatedly comments in class that "students need to toughen up instead of asking for special treatment," while looking directly at Jordan. When Jordan emails to schedule their accommodated testing environment, the professor replies, "You don't *look* disabled to me—you're perfectly capable of taking the exam with everyone else."

On exam day, the professor refuses to allow Jordan to use the designated testing space, telling them, "If you can't handle a normal test, maybe this major isn't for you." Jordan feels humiliated and overwhelmed, and their academic performance suffers due to the denied accommodations.

Jordan reports the incidents to Disability Services, who then contacts Human Resources.

Why This Could Violate Policy:

Refusing approved accommodations, questioning the legitimacy of a disability, and making disparaging remarks based on neurodivergence may constitute disability discrimination and create a hostile learning environment. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.

Scenario 13) Nonconsensual Sexual Contact

Scenario:

During an off-campus department-sponsored social event, several graduate students and faculty members gather in a common area. One student, Erin, is introduced to another student, Chris, who is slightly intoxicated. Throughout the evening, Chris repeatedly invades Erin's personal space, placing his hand on her lower back and brushing against her buttocks despite Erin stepping away.

Later, while Erin is speaking with another student, Chris approaches from behind and places his hands on her waist, pulling her closer. He hugs her from behind as he leans in, Erin can feel Chris' genitals pushing against her buttocks. Erin immediately steps back and says she is uncomfortable. Chris responds, "Relax, I'm just being friendly," and laughs. Others laugh, too. Erin leaves the event feeling shaken and distressed.

Erin reports the behavior to the Graduate Program Director, explaining that she now feels anxious attending department gatherings where Chris may be present. The Graduate Program Director reports the conduct to the Title IX Coordinator.

Why This Could Violate Policy:

The reported intentional and unwanted sexual touching may constitute Nonconsensual Sexual Contact under University policy. This category incorporates conduct included within the NIBRS offense of Criminal Sexual Contact and is a form of Sexual Assault and sexual misconduct under this Policy. Even though these incidents occurred off-campus because this act is reported to have occurred during a school-sponsored event and both the Complainant and Respondent are members of the Monroe community, the complaint would be resolved using **Procedure B-Title IX Sexual Harassment Resolution Procedure**.

Scenario 14) Harassment Based on Veteran Status

Scenario:

Marcus Hill, a military veteran and first-year graduate student, participates in a group project with several classmates. When he mentions his prior service, one group member begins making derogatory comments, such as calling him "a grunt who only knows how to follow orders." Another student jokes during a meeting, "Careful...don't trigger his PTSD," while laughing.

As deadlines approach, the group repeatedly excludes Marcus from planning meetings, suggesting that "older military guys aren't great at academic work." Marcus later learns they reassigned most of his tasks without consulting him.

Marcus feels marginalized and stereotyped. His academic performance declines due to stress, and he withdraws from group settings. He reports the conduct to the Office of Veteran & Military Affairs, which reports the conduct to the Title VI Coordinator.

Why This Could Violate Policy:

Using stereotypes about military service, making derogatory comments, and excluding a student from academic participation based on veteran status may constitute discriminatory harassment

and contribute to a hostile environment. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.

Scenario 15) Student Experiences Islamophobic Harassment Based on Perceived Shared Ancestry

Scenario:

Aisha Khan, a Monroe University junior, wears a hijab and is of South Asian descent. During a campus student organization meeting discussing international affairs, another student makes comments criticizing terrorism abroad. As the discussion continues, the student turns toward Aisha and says, “People like you are the reason the world isn’t safe,” and later adds, “If you don’t support what America stands for, maybe you should go back to where you came from.”

In the weeks that follow, the same student repeatedly refers to Aisha as “dangerous” in group chats and jokes that campus security should “keep an eye on her.” Other students witness these remarks and express discomfort. Aisha begins avoiding the organization’s meetings and reports feeling anxious walking through certain campus spaces, fearing she is being watched or targeted because of how she looks and her perceived background.

Aisha reports the incidents to the Office of Student Affairs, which refers the matter to the Title VI Coordinator for review.

Why This Could Violate Policy:

Targeting a student with demeaning stereotypes, collective blame, and exclusionary comments based on actual or perceived national origin, shared ancestry, or ethnic characteristics may constitute discriminatory harassment. Statements suggesting that a student is dangerous or does not belong because of perceived Muslim or Middle Eastern identity may contribute to a hostile environment and interfere with the student’s ability to participate in University programs and activities. This complaint would be resolved using **Procedure A: General Discrimination Resolution Procedure**.